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CHAPTER 837

DEPARTMENT OF STATE POLICE

OFFICE OF STATE FIRE MARSHAL

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FILING CAPTION: Administration of Fire Prevention Programs – Certification and Training Requirements

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RULES:

837-039-0003, 837-039-0011, 837-039-0016

AMEND: 837-039-0003

RULE TITLE: Definitions

NOTICE FILED DATE: 11/10/2022

RULE SUMMARY: 837-039-0003: Adds R-1 and R-2 residential occupancy groups into definitions for the scope of practice for a Company Inspector.

RULE TEXT:

- (1) "Administration" (or "administrative") means the inspection, enforcement and record-keeping systems used in the management of a fire prevention/investigation program.
- (2) "Appeal" means the delegated appeals process as stated in section 12 of this rule which is offered to an aggrieved party by the authority having jurisdiction which:
 - (a) Assures the aggrieved party is given the due process of law;
 - (b) Is in response to the aggrieved party having received an order from the authority having jurisdiction;
 - (c) Is requested by the aggrieved party; and
 - (d) Is consistent with the lawful authority of the authority having jurisdiction.
- (3) "Assistant" means an Assistant to the State Fire Marshal under ORS 476.060, including, but not limited to, "all fire marshals in those governmental subdivisions having such officers, and where no such officer exists, the chief of the fire department of every city or rural fire protection district in which a fire department is established."
- (4) "Authority Having Jurisdiction" means a local governmental subdivision recognized by the State Fire Marshal under this Division including, but not limited to:
 - (a) Municipal fire departments operated under home rule charter;
 - (b) Rural fire protection districts operating under ORS 478;
 - (c) Water supply districts operating under ORS 264; or
 - (d) Public fire protection agencies not described above, and which are subject to the laws of the State of Oregon.
- (5) "Classroom" means an instructional environment the instructor believes is most conducive for the student to learn

the material in a specific unit.

(6) "Company Inspector" means an individual who has met the education and job performance requirements to conduct basic fire code enforcement in Business Group B occupancies and Mercantile Group M occupancies with no high-piled or rack storage, Residential Group R-1 and R-2 occupancies with 15 or fewer rooms and self-storage facilities.

(7) "DPSST" means the Department of Public Safety Standards and Training.

(8) "DPSST's NFPA Fire Inspector I" means an individual who has been certified by DPSST for meeting the requisite knowledge and skills identified in the DPSST NFPA Fire Inspector I task book to conduct basic fire code enforcement and apply codes and standards.

(9) "DPSST's NFPA Fire Inspector II" means an individual who has been certified by DPSST for meeting the requisite knowledge and requisite skills identified in the DPSST NFPA Fire Inspector I and II task books to conduct moderately technically challenging fire code enforcement and interpret codes and standards.

(10) "DPSST's NFPA Fire Inspector III" means an individual who has been certified by DPSST for meeting the requisite knowledge and requisite skills identified in the DPSST NFPA Fire Inspector I, II, and III task books to conduct advanced technically challenging fire code enforcement and resolve complex code-related issues.

(11) "DPSST's NFPA Fire Investigator" means an individual who has been certified by DPSST for meeting the requisite knowledge and skills identified in the DPSST NFPA Fire Investigator task book to conduct an investigation of a fire for its origin and cause.

(12) "Delegated Appeals Process" means an administrative procedure established by an exempt authority which the State Fire Marshal has found to be the equivalent of a contested case proceeding established under ORS Chapter 183.417 and the appeals process established under 479.180.

(13) "Deputy State Fire Marshal" means an employee of the Office of State Fire Marshal as authorized in ORS 476.040.

(14) "Enforcement" means the investigation, inspection, citation, and/or prosecution of alleged violations of state and local fire protection laws, rules and regulations.

(15) "Exempt Jurisdiction" means any local governmental subdivision which through application has been granted partial exemption by the State Fire Marshal from statutes, rules and regulations administered by the State Fire Marshal as authorized in ORS 476.030(3) and as defined in this Division.

(16) "Exempt Jurisdiction Committee" means the Fire Marshal, or their designee, from each Exempt Jurisdiction.

(17) "Fire Code" means the Oregon Fire Code and local government regulations which are adopted in conformance with this Division.

(18) "Fire Code Official" means the fire chief or other designated authority charged with the administration and enforcement of the fire code, or duly authorized representative.

(19) "Fire Official" means any individual authorized to enforce the state or local fire code.

(20) "Local Appeals Process" means the administrative procedure adopted and operated by a local government subdivision under local ordinance or resolution.

(21) "Local Governmental Subdivision" means a city, county or rural fire protection district whose function includes regulation of building use and occupancy and the administration of fire safety laws, ordinances and regulations.

(22) "NFPA" means National Fire Protection Association.

(23) "Nonexempt Jurisdiction" means a local governmental subdivision which has not applied for and been granted exempt status by the State Fire Marshal under this Division.

(24) "Oregon Fire Code" means all Oregon fire protection statutes and the administrative rules of the State Fire Marshal adopted in accordance with ORS 476.030(1).

(25) "Partially Exempt Jurisdiction" means a local governmental subdivision which has received authorization from the State Fire Marshal under this Division to administer specified fire prevention programs within its legally established political boundary.

(26) "Promulgate" means to lawfully develop and adopt an administrative rule, local ordinance, code or regulation authorized by law.

(27) "Requisite Knowledge" means the fundamental knowledge one must have in order to perform a specific task.

(28) "Requisite Skills" means the essential skills one must have in order to perform a specific task.

(29) "Scope of Practice" means an established list of competencies that are required to administer the Oregon fire code in an elected range of complexity.

(30) "Service Area" means the geographic area contained within the municipal city limits, corporate boundaries of the fire district or areas to which the Exempt Jurisdiction provides fire protection and prevention services under contract.

(31) "State Appeals Process" means an administrative contested case proceeding under ORS Chapter 183 and, if applicable, the accelerated appeals process established under ORS 479.180.

STATUTORY/OTHER AUTHORITY: ORS 476.030

STATUTES/OTHER IMPLEMENTED: ORS 476

AMEND: 837-039-0011

RULE TITLE: Certification and Training Requirements for Plan Review

NOTICE FILED DATE: 11/10/2022

RULE SUMMARY: 837-039-0011: Modifies titles of required trainings and classes. Rules provide clarity on requirements for fire chiefs. Rule amendments streamline program requirements providing more control to local fire agencies.

RULE TEXT:

- (1) These rules establish standards for certification of fire officials who review plans for input to a building official for new construction, alterations, and specifications from a Fire Code approved by the State Fire Marshal.
- (2) All fire officials who review plans for new construction, alterations, and specifications must obtain an ICC Fire Inspector II and ICC Fire Plans Examiner certification or equivalent certification approved by the State Fire Marshal.
- (3) Fire Officials who review plans only for fire department access and fire protection water supplies shall complete the Access and Water Supply course provided by the Department of the State Fire Marshal.
- (4) All Fire Chiefs and Assistants to the State Fire Marshal meeting the definition under ORS 476.060 shall complete the Authorities and Responsibilities course provided by the Department of the State Fire Marshal.
- (5) The Authority Having Jurisdiction must maintain appropriate documentation of the required certifications outlined in OAR 837-039-0011(2).

[Publications: Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 479.165

STATUTES/OTHER IMPLEMENTED: ORS 479.165, ORS 476.020

AMEND: 837-039-0016

RULE TITLE: Certification and Training Requirements for Conducting Fire Code Enforcement

NOTICE FILED DATE: 11/10/2022

RULE SUMMARY: 837-039-0016: Changes titles of the levels of Competency Recognition. Removes outdated language. Streamlines the requirements, application process and the renewal requirements of the program.

RULE TEXT:

(1) These rules establish statewide standards for certification and training requirements of fire officials responsible for administration of a Fire Code approved by the State Fire Marshal.

(a) Every person who performs fire code enforcement must possess an Oregon Fire and Life Safety Competency Recognition certificate from the Department of the State Fire Marshal for the scope of work being performed.

(b) Every person who is transitioning between recognition levels or newly hired must receive the necessary on-the-job training experience and related technical instruction under the direct supervision of an appropriately recognized fire official.

(A) When the fire code official determines that a newly promoted or hired fire official responsible for fire code enforcement are fully qualified to perform the duties of an Oregon Fire Inspector I, II, or Oregon Fire Marshal, the newly hired fire official may work independently without direct supervision.

(B) The newly promoted or hired fire official responsible for fire code enforcement must meet the requirements of OAR 837-039-0016(1)(a) within 12 months from date of hire.

(2) All persons who seek to perform fire code inspections within the scope of practice of a Company Inspector must successfully complete the Company Inspector course provided by the Department of the State Fire Marshal.

(a) This course will also be made available to be taught by a qualified instructor of a local Authority Having Jurisdiction.

(b) Qualified instructors can apply through the Department of the State Fire Marshal to obtain the curriculum and to teach the course for their local Jurisdiction. Course curriculum shall not be altered without approval of the Department of the State Fire Marshal.

(3) All persons who seek to perform the scope of practice of an Oregon Fire Inspector I shall possess an ICC Fire Inspector I Certification, NFPA Fire Inspector I Certification and have completed the Building Code, Mechanical Code courses and completed the Oregon Fire Code Update course for each Oregon Fire Code adoption cycle provided by the Department of the State Fire Marshal.

(4) All persons who seek to perform the scope of practice of an Oregon Fire Inspector II shall possess, in addition to the requirements of OAR 837-039-0016(3), an ICC Fire Inspector II Certification and NFPA Fire Inspector II Certification.

(5) All persons who seek to perform the scope of practice of an Oregon Fire Marshal shall complete, in addition to the requirements of OAR 837-039-0016(3) and OAR 837-039-0016(4), the Oregon Fire Marshal course provided by the Department of the State Fire Marshal.

(6) To obtain a Fire and Life Safety Competency Recognition certificate, an application to the Department of the State Fire Marshal must be submitted. The application will be submitted by the local Authority Having Jurisdiction verifying and attesting that the required training and certifications outlined in OAR 837-039-0016(3), OAR 837-039-0016(4) and/or OAR 837-039-0016(5) have been met prior to the submission of the application.

(7) Any Competency Recognition certificate is considered not active if any of the required trainings or certifications outlined in OAR 837-039-0016(3) and/or OAR 837-039-0016(4) lapse or the person is no longer employed by a local Authority Having Jurisdiction within Oregon. To reactivate a Competency Recognition certificate, the local Authority Having Jurisdiction shall submit a new application to the Department of the State Fire Marshal.

(8) Fire officials who do not have a current Oregon Fire Inspector I, II or Oregon Fire Marshal certificate shall not perform work within the respective scope of practice.

(9) Any fire official who is currently employed by a local Authority Having Jurisdiction in Oregon and holds a Fire and Life Safety Specialist I certificate, Fire and Life Safety Specialist II certificate or Oregon Fire Marshal certificate prior to January 1, 2023, shall be grandfathered into the new recognition levels based on their equivalent level and will be

subject to the current rules as of January 1, 2023, as outlined in OAR 837-039-0016.

STATUTORY/OTHER AUTHORITY: ORS 476.030(1)

STATUTES/OTHER IMPLEMENTED: ORS 476.030, ORS 476.020