

**CALIFORNIA CODE OF REGULATIONS, TITLE 19, DIVISION 1,
CHAPTER 13**

INITIAL STATEMENT OF REASONS

Pursuant to Health and Safety Code Sections 131576(a), the State Fire Marshal shall adopt regulations and standards deemed necessary for the implementation of the California Fire Service Training and Education Program Act and the California Fire and Arson Training Fund Act (CFAT).

The State Fire Marshal has determined that the public interest and public welfare will be adequately served by administering a voluntary certification training system for all position levels of the California Fire Service. The regulations adopted by the State Fire Marshal will meet the intent of Health and Safety Code Sections 13155-13159.4 and §13159.7-13159.10.

SPECIFIC PURPOSE AND RATIONALE

- 1. Problem being addressed:** The current regulations and adopted references do not address the number of changes that have occurred to the training system as a whole and specifically the changes that have occurred in firefighter training since regulations were first adopted in 2008.
- 2. Anticipated benefits from this regulatory action:** This regulatory proposal benefits the California Fire Service and related stakeholders by clarifying training requirements in California.
- 3. Factual Basis/Rationale:** Without a clearly defined California Fire Service Training and Education Program, The State Fire Marshal cannot adequately disseminate information regarding the knowledge, skills, and experience necessary for the prevention, control, and extinguishment of fires and other hazards to the emergency response community in California.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY OR REPORT

The proposed regulation amendments by the Office of the State Fire Marshal were developed in consultation with both the State Board of Fire Services (SBFS) and the Statewide Training and Education Advisory Committee (STEAC), consisting of community colleges, local fire, labor, and regulatory personnel all of whom have reviewed and provided recommendations for the proposed regulations. These were conversations only, and there were no documents relied upon in connection with these consultations.

NECESSITY

The proposed additions and amendments are necessary to reduce redundancy and duplication in policy and procedures adopted by reference and to provide clarity and consistency for people directly affected by the regulations.

Changes to the State Fire Training System began before the first rulemaking package was approved in September 2008. These changes include; a new strategic plan that was under development in 2008, statutory requirements that lead to the elimination of the OSFM involvement in the certification of Emergency Medical Technicians, and changes have occurred in the type and number of classes available to the California fire service.

All of the proposed plans and changes to the system are now coming to fruition in the form of new certification training standards, new classes, business processes, along with updates to the referenced documents in Title 19.

In 2008, stakeholders for the California Fire Training System assembled and developed a new strategic plan entitled "Blueprint 2020." This strategic plan (available for review at <http://osfm.fire.ca.gov/training/pdf/BP2020finaldraft0108.pdf>) identifies, defines, and describes an updated training and education model for the California State Fire Training System. Stakeholders involved in its development represented local, state and federal California career and volunteer fire fighters, fire chiefs, organized labor, training officers, and community colleges in a show of support and a commitment to the implementation of this strategic plan.

Blueprint 20/20 was developed from an internal needs analysis that identified specific areas of improvement and suggested that systemic change is overdue. These areas include: Quality Control, Data Management, Outdated Curriculum, Certification, Continuing Education, Professional Development, Lack of Innovation, and Understaffing. In the actualization this strategic plan requires an update to the regulations as well as the referenced documents: SFT Procedures Manual and the Course Information and Required Materials Manual.

Also in 2008, Assembly Bill 2917, Torrico, Chapter 274, filed September 25, 2008, contained requirements for agencies certifying emergency medical technicians to conduct a background check. The background check requirement was out of the scope of the OSFM training Division. The elimination of the EMT certification program requires a complete reformatting and restructuring of the SFT Procedures Manual.

Many classes have either been updated or completely new classes have been added to the SFT system. This requires updating the referenced document entitled the Course Information and Required Materials Manual. Due to security breaches, a change in policy regarding certification exams now requires instructors to develop their own Summative tests. All of the changes described require that the text of regulations also reflect the updated information in the SFT Procedures Manual and the Course Information and Required Materials Manual.

CONSIDERATION OF REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES

The State Fire Marshal staff has thoroughly reviewed this proposed regulatory action, including both the positive and negative impacts it will place upon the industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose of these proposed regulations or be less burdensome to the affected parties than the proposed regulations. The alternative of no regulatory action would limit innovation and provide confusion within the fire service on their specific training requirements.

REASONABLE ALTERNATIVES – SMALL BUSINESS

The proposed regulations have no substantial effect to small business. The SFM has identified no alternative that would lessen adverse impact, if any, on small business and still allow the SFM to effectively enforce the regulations.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The SFM can find no facts, documents, testimony, or evidence that this action will have a significant adverse economic impact on any business. The proposed regulation clarifies and adds language that better defines the training requirements for the California fire service. There is no direct cost impact anticipated as a result of these regulations.

ECONOMIC IMPACT ANALYSIS AND ASSESSMENT

The proposed regulation amendments were made after an analysis of the training requirements for the California Fire Service. These changes will have a positive impact on the ability of the fire service industry to deal effectively within an all-hazards emergency environment and the protection of the public at large.

The Creation or Elimination of Jobs within the State of California

The SFM has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs. During the crafting of the regulations, stakeholder organizations were consulted. The consensus of the stakeholder representatives was that by adding these changes in regulations there will be no impact on industry in that the proposed amendments do not fundamentally change the way they are doing business.

The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The SFM has determined that this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses. The regulations serve to clarify existing training requirements which have no effect on the business environment.

The Expansion of Businesses Currently Doing Business within the State of California

The SFM has determined that this regulatory proposal will not have a significant impact and will not limit or discourage the expansion of existing businesses within the State of California.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

This regulatory proposal provides a direct benefit to the protection of public health and safety of Californians by better preparing emergency responders. The regulations also provide for the protection of the emergency response workers by establishing the knowledge, skills and abilities necessary to perform their jobs safely and effectively.

COORDINATION WITH FEDERAL LAW

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with nor duplicates any federal regulation contained in the Code of Federal Regulations.

SPECIFIC SECTIONS WHICH HAVE BEEN MODIFIED:

Chapter 13 California Fire Service Training and Education Program

Article 1. ADMINISTRATION

Section 1980.00 is proposed to correctly identify training program areas.

Necessity: The California Fire Service Training and Education Program has two primary areas beneath it; the California Fire Service Training and Education System (CFSTES) which leads to certification and the Fire Service Training and Education Program (FSTEP) which are elective skills classes. This edit removes "California" in the beginning of the terminology describing FSTEP used in the existing regulations.

Section 1980.02(a) and (b)(2) is being proposed to edit and correct existing adoption language.

Necessity: Provides clarity in the terms used within the regulation.

Section 1980.04 and 1980.05 is proposed and is a non-substantive edit

Necessity: Corrects a grammatical mistake in the text of the regulation by adding commas.

Article 2. GENERAL PROVISIONS

Section 1990.00 is proposed to update the referenced documents. Eliminates the Curriculum Development Guidelines as an incorporated reference.

Necessity: This change in the regulations includes the adoption of incorporated references: “State Fire Training Procedures Manual (January 2015)” and the “Course Information and Required Materials Manual (May 2015).” Redundancy in the State Fire Training Procedures Manual was repealed in its entirety and reformatted for ease of use and replaced with the January 2015 version.

The 2008 Edition of the State Fire Training Course Information and Required Materials Manual was repealed in its entirety and replaced with the (May 2015) version. The (May 2015) version had select classes repealed, updated and adopted to reflect changes in course information and requirements. Additionally, the SFM proposes eliminating the Curriculum Development Guidelines as an incorporated reference, as the State Fire Marshal no longer develops training curriculum and recommends instead curriculum provided by publishers who meet California’s training standard. Clarification is added that State Fire Marshal FSTEP and CFSTES courses are to be “accredited and approved” courses.

Section 1990.00(a)(1)-(9) is proposed to list the required forms, all of which have been updated, for those who participate in the delivery of the State Fire Training Program.

Necessity: The proposed forms update obsolete forms used by participants in the California Fire Training and Education Program and by the staff of State Fire Training in the administration of the training system. All updated forms are incorporated by reference in the State Fire Training Procedures Manual dated “January 2015.”

Section 1990.01 is proposed to eliminate the incorporated reference and defines instead the concept of certification training standards.

Necessity: The State Fire Marshal is developing Certification Training Standard (CTS) Guides that reference national and state recognized standards and practices. The CTS is used to develop specific course work and professional qualifications for fire service personnel. This proposal provides standardized training across the state and aligns the training requirements for California firefighters with those of firefighters around the rest of the nation.

Section 1990.02(b)(1) is proposed to clarify the California Training and Education System (CFSTES) which always includes a written evaluation at all levels of certification.

Necessity: This section makes clear the expectation for both instructors and students when conducting or attending an “accredited course” that there will be some form of evaluation.

Section 1990.02(c)(1)(2) is proposed to clarify the Fire Service Training and Education Program (FSTEP). FSTEP classes do not lead to certification and do not require an evaluation tool at the end of the training session.

Necessity: State Fire Marshal approved FSTEP courses defined in this proposal clarifies that a formal evaluation at the end of the course may or may not be required.

Section 1990.03 is proposed to provide clarity to the instructor's responsibility to develop a summative test at the end of their CFSTES classes.

Necessity: The State Fire Marshal no longer publishes nor distributes "certification" exams. Instructors are now required to develop their own "summative test" at the end of their course to measure student success. The proposed regulatory amendment serves to define and clarify the summative test and the instructor's responsibilities for summative tests.

Section 1990.04(a)(1)(2)(3) is proposed to include occupational experience as one of the qualifiers to become an instructor.

Necessity: Specialized courses require that the instructor maintain a minimum amount of occupational experience to qualify to teach a class.

Section 1990.04(b)(1)(2) is proposed to clarify the instructors responsibility for providing and maintaining current contact information.

Necessity: All instructors are required to maintain current contact information so that the State Fire Marshal can provide current and up to date information on a wide range of subject areas. Instructors who do not keep their contact information up to date are removed from the system as inactive.

Section 1990.05 is proposed to provide non-substantive edits for Accredited Regional Training Programs (ARTP's) and Accredited Local Academies (ALA's).

Necessity: Minor edits to this section provide non-substantive changes to the regulation.

Section 1990.06 is proposed to provide non-substantive edits to the Safety Policy.

Necessity: Minor edits to this section provide non-substantive changes to the regulation.

Section 1990.07 is proposed to provide clarity and non-substantive edits for the Accountability Section of the regulations.

Necessity: Minor edits to this section provide non-substantive changes to the regulation.

Section 1990.08 is proposed to provide clarity for the type of comments that are reported and acted on by the State Fire Marshal.

Necessity: The State Fire Marshal acts only on written comments or complaints regarding an instructor or academy.

Section 1990.11 is proposed to provide clarity for the instructor to attend required classes to register to become an instructor in the State Fire Training System.

Necessity: Instructors are required to attend the Ethical Leadership in the Classroom training program along with attending update classes for which they are registered.

Section 1990.12 is proposed to provide clarity on the State Fire Marshal's authority to collect fees for participants who volunteer to participate in the State Fire Training System and provides clarity on changes to the fee schedule.

Necessity: State Fire Training does not receive General Fund money and is a self-supporting enterprise within State Government. Participation in the State Fire Training System is voluntary. To recover State costs incurred in the administration and delivery of the State Fire Training program participants are charged a registration or certification fee. Additionally, State Fire Training no longer participates in the EMT certification process and these classes and fees have been removed. The Fire Chief Application process and fees have been consolidated. The \$50 application fee and the \$200 Application submittal fee are now combined into one application fee of \$250.00. State Fire Training no longer charges retake fees for certification exams and these fees have been removed. The new "Fire Inspector" and "Training Instructor" certification classes have been added to the Fee Schedule with a fee of \$65.00 which is the current standard fee charged for certification classes.

Specific Referenced Documents That Have Been Modified

Curriculum Development Guidelines (January 2008) version is proposed to be deleted as a referenced document in the existing regulations.

Necessity: the State Fire Marshal no longer develops training curriculum but relies instead on curriculum provided by national publishers.

State Fire Training Procedures Manual (January 2008) version is proposed to be deleted from the regulations.

Necessity: The adoption of Assembly Bill 29117 filed in September 2008 with the Secretary of State preceded the elimination of State Fire Trainings EMT certification program. This program comprised a major section of the SFT Procedures Manual. Incremental changes to classes and certification tracks since the adoption of these regulations makes this document obsolete.

State Fire Training Procedures Manual (January 2015) version is proposed to be adopted by reference in Title 19, California Code of Regulations, Chapter 13, Section 1990.00.

Necessity: The State Fire Marshal commissioned an updated version of the State Fire Training Procedures Manual that eliminates the old EMT certification program and reformats the manual to reduce duplication of information and to provide clarity to the training requirements for fire academies, instructors and students.

Course Information Required Materials Manual (CIRM) (January 2008) version is proposed to be deleted from the regulations.

Necessity: State Fire Training classes are predicated on nationally recognized standards and practices. The tools, techniques and technologies used in the profession require that classes are updated periodically to stay current with the industry.

Course Information Required Materials Manual (CIRM) (May 2015) version is proposed to be adopted by reference in Title 19, California Code of Regulations, Chapter 13, Section 1990.00 and is a course catalog for instructors and students which contains individual class outlines and course requirements.

Necessity: State Fire Training classes are predicated on nationally recognized standards and practices. The tools, techniques and technologies used in the profession require that classes are updated periodically to stay current with the industry. The classes had repeals, amendments, or additions too numerous to incorporate in the prior January 2008 version. The newly adopted reference document will be dated May 2015.