

NOTICE OF PROPOSED RULEMAKING ACTION

DEPARTMENT OF FORESTRY & FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL

CALIFORNIA CODE OF REGULATIONS
TITLE 19. PUBLIC SAFETY
DIVISION 1. STATE FIRE MARSHAL
CHAPTER 13. CALIFORNIA FIRE SERVICE TRAINING AND EDUCATION
PROGRAM
ARTICLE 2. GENERAL PROVISIONS

FIRE SERVICE TRAINING AND CERTIFICATION - FEE INCREASE ADJUSTMENT

NOTICE IS HEREBY GIVEN pursuant to Government Code, §11346.6, that the California Department of Forestry and Fire Protection – Office of the State Fire Marshal (“OSFM”) or (“SFM”) proposes to take the regulatory action described below in the Informative Digest implementing Title 19, Division 1, Chapter 13, Article 2 of the California Code of Regulations (CCR), related to adoption of a new fee structure related to certification and training standards for California fire service personnel, after considering public comments, objections, or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Written comments will be accepted for at least 45 days **beginning April 10, 2020 and ending May 25, 2020**. The written comment period **closes at 12:00 a.m. (Pacific Time) on May 26, 2020**. All written comments received by that date and time will be considered and responded to as part of the compilation of the rulemaking file.

Submit comments to contact via:

- Email: diane.arend@fire.ca.gov (include in the subject line of the email “**State Fire Training Fee Increase, Comments**”); or
- US Mail:

**CAL FIRE/Office of the State Fire Marshal
PO Box 944246
Sacramento, CA 94244-2460**

Attn: Diane Arend, Code Development & Analysis

- Hand deliver to:

**CAL FIRE/Office of the State Fire Marshal
2251 Harvard Street, 4th Floor
Sacramento, CA 95815
Attn: Diane Arend, Code Development & Analysis
8:00 a.m. to 5:00 p.m.**

PUBLIC HEARING

The SFM has not scheduled a public hearing on this proposed action. However, the SFM will hold a public hearing to accept comments if a written request is received from any interested party or their authorized representative no later than 15 days before the close of the 45-day written comment period, pursuant to Government Code Section 11346.8. Submit requests to the contact person indicated below.

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section 13155 with reference to 13159(d), Health and Safety Code to verify that minimum curriculum requirements are being met pertaining to, facilities, and faculty standards for schools, seminars, or workshops operated by, or for the state, for the specific purpose of training fire service personnel. The proposed regulations implement, interpret, and make specific sections 13155 through and 13159.10 of the Health and Safety Code.

INFORMATIVE DIGEST - POLICY STATEMENT OVERVIEW

The broad objective of this proposed rulemaking action is to better define the regulatory requirements of the SFM Fire Service Training and Education Program and the enforcement and maintenance of those requirements for students, instructors and academies.

Specifically, this action proposes fee increase adjustments for the SFM Fire Service Training and Education Program for services provided for fire fighter training and certification. This rulemaking action proposes the amendment of Sections 1990.00, 1990.01, 1990.02, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.10, 1990.11, and 1990.12. in Chapter 13, Article 2 of Title 19, CCR.

The regulations proposed in this rulemaking action implement, interpret, clarify, and make specific Health and Safety Code §13157 by making the following changes:

- Provides editorial updates, changes without regulatory effect, identified in Title 19 California Code of Regulations.

- Updates the SFM fees for services provided. This includes revised certification exam fees information, and update to the list of fees for course registration and delivery, course certifications and renewal, exams, duplicate certification and certification reviews in Section 1990.12. Removes obsolete or retired course fees and certifications; adds replacements and adjustments. Adds new fees for services if did not have fees in the past.

Summary of Existing Laws

Health and Safety Code Section 13157 authorizes the California Fire Service Training and Education Program to be established in the Office of the State Fire Marshal and to:

- (a) Promulgate and adopt rules and regulations necessary for implementation of the program.
- (b) Establish the courses of study and curriculum to be used in the program.
- (c) Establish prerequisites for the admission of personnel who attend courses offered in the program.
- (d) Establish and collect admission fees and other fees that may be necessary to be charged for seminars, conferences, and specialized training given, which shall not be deducted from state appropriations for the purposes of this program.
- (e) Collect such fees as may be established pursuant to Health and Safety Code Section 13159.8

Summary of Existing Regulations

Existing regulations regarding the proposed changes establish the requirements in California Code of Regulations, Title 19, Division 1, Chapter 13 for the California Fire Service Training and Education Program.

The State Fire Marshal is proposing to amend CCR, Title 19, Chapter 13, Section 1990.12.

The SFM consulted with the Statewide Training and Education Advisory Committee (STEAC) along with the State Board of Fire Services (SBFS) for recommendations and analysis of the proposed amendments and they concur with this proposal. STEAC and SBFS reviewed and approved the State Fire Training Fee Report (September 2019). STEAC approved the proposed fee adjustments and the report at the meeting on July 12, 2019. SBFS approved the proposed fee adjustments at the meeting on September 12, 2019.

The [July 12, 2019 STEAC Meeting Minutes](https://osfm.fire.ca.gov/media/9771/steac-draft-july-2019-minutes.pdf) are available online at <https://osfm.fire.ca.gov/media/9771/steac-draft-july-2019-minutes.pdf>
The [September 12, 2019 SBFS Meeting Minutes](https://osfm.fire.ca.gov/media/10697/draft-minutes-09-12-2019.pdf) are available online at <https://osfm.fire.ca.gov/media/10697/draft-minutes-09-12-2019.pdf>

Summary of Effect

The proposed regulations will require an applicant to appeal to the Assistant State Fire Marshal for alternative application to the methods and procedures when a written petition has been denied; and establish and collect admission fees and other fees that may be necessary to be charged for seminars, conferences, and specialized training given. These changes have no negligible effect on the training system.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Office of the State Fire Marshal (OSFM) determined this proposed regulation is not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the OSFM has concluded that this is the only regulation that concerns firefighter training and education for the purposes cited in the Health and Safety Code Section 13157.

Objective and Anticipated Benefits

The broad objective of the proposed action is to accurately define the certification, diploma, business processes, and course fees associated with the current State Fire Training curriculum. The specific benefit anticipated from the regulation is the addition of current an accurate course fees. These fees are necessary to ensure adequate SFT staffing, to expand national accreditation, maintain existing curriculum, and to develop new curriculum.

The SFM developed the regulations in cooperation and with the knowledge and approval of STEAC and SBFS and has sought out their recommendations and analysis of the proposed amendments. The advisory committees concurred with the proposal.

For additional benefits, see benefits analysis under the Results of the Economic Impact Analysis/Assessment.

Documents Incorporated by Reference:

The following forms are incorporated by reference in the text of the proposed regulations in Section 1990.00(a):

1. Fee Schedule (July 2020)
2. Instructor Registration Application (July 2020)

3. Request for Course Scheduling (July 2020)
4. Certification Examination (2019) Request (July 2020)
5. Fire Fighter I (2019) Certification Upgrade Application (July 2020)
6. Fire Fighter I (2019) Certification Reciprocity Application (July 2020)

The following CTS Guides based on National Fire Protection Association (NFPA) Standards are incorporated by reference and added to the text of the proposed regulations in Section 1990.01:

7. Fire Fighter 1 (2019)
8. Fire Fighter 2 (2019)
9. Fire Inspector 1 (2014)
10. Fire Inspector 2 (2014)

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Office of the State Fire Marshal, or to any specific regulation or class of regulations. There are no other matters to identify.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500-17630: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant effect on housing costs: **None**
7. Significant statewide adverse economic impact directly affecting business and individuals, including the ability of California businesses to compete with businesses in other States: The State Fire Marshal concluded that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS:

There is no cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Participation in the State Fire Training system is voluntary.

SMALL BUSINESS DETERMINATION

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no effect on small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The proposed regulation will not affect small

business because the California Fire Service Training and Education Program targets governmental agencies that employ and/or train fire fighters. Some small businesses also provide training resources but these proposed regulations will not effect their operation or their ability to profit.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The SFM concludes that the adoption of these regulations *will not*:

- a) Create or eliminate jobs within California;
- b) Create new businesses or eliminate existing businesses within California; or
- c) Effect the expansion of businesses currently doing business within California

Benefits to Health and Welfare, Worker Safety, and the Environment:

d) The State Fire Marshal has assessed that this regulatory proposal provides a direct benefit to the environment, protection of public health and safety of Californians by better preparing emergency responders. The regulations also provide for protection of the emergency response workers by establishing the knowledge, skills, and abilities necessary to perform their jobs safely and effectively by providing standardized training through the state.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), SFM must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

BUSINESS REPORT

This regulatory proposal does not mandate any new reporting or recordkeeping requirements beyond the business practice that has already been established by the SFM.

CONTACT PERSON(s)

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations or other information upon which the rulemaking is based may be directed to:

- CAL FIRE / Office of the State Fire Marshal:

General Inquiries:

Diane Arend, Senior Deputy SFM, Regulations Coordinator
(916) 568-2917
diane.arend@fire.ca.gov

Substantive or technical questions:

Caryn Petty, Deputy SFM, State Fire Training
(916) 662-0611
caryn.petty@fire.ca.gov

Chris Fowler, Supervising Deputy SFM, State Fire Training
(916) 508-4120
chris.fowler@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office indicated above. As of the date this notice is published in the Notice Register, the SFM's rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons for the proposed action, the economic impact assessment contained in the initial statement of reasons and documents incorporated by reference or relied upon. Copies may be obtained through the contact person(s) at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a public hearing, if requested, and considering all timely and relevant comments received by the State Fire Marshal, and following the 45-day comment period, the SFM may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text – with changes indicated – shall be made available to the public for at least 15 days before the SFM adopts, amends, or repeals the regulations as revised. The SFM will accept written comments on the modified regulations for 15 days after the date on which they are made available. To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modified regulations. Please send requests for copies of any modified regulations to the contact person.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by making a written request to the contact person at the above address or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action (NOPR), the Initial Statement of Reasons (ISOR), the Text of Proposed Regulations (ET) in underline and strikeout, and any other materials or documents incorporated by reference or relied upon may be accessed through the [OSFM web address at:](http://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/)
<http://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/>