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Sequence Number: 10-15-14
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 File Date: 10/27/14
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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Commission on Fire Fighting Personnel Standards and Education
Division:	Department of Commerce and Insurance
Contact Person:	Joseph Underwood
Address:	500 James Robertson Parkway, Davy Crockett Tower 8th Floor, Nashville, TN
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Phone:	615-741-3899
Email:	Joseph.Underwood@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0360-06-01	Miscellaneous Certification Standards
Rule Number	Rule Title
0360-06-01-.01	Adoption By Reference

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0360-06-01
Miscellaneous Certification Standards

Amendment

0360-06-01-.01 Adoption by Reference is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) The Commission adopts by reference the following National Fire Protection Association (NFPA) Standards in their entirety as performance standards unless otherwise provided herein:
 - (a) 472 Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents, 2013 Edition;
 - (b) 1001 Standard for Fire Fighter Professional Qualifications, 2013 Edition;
 - (c) 1002 Standard for Fire Apparatus Driver/Operator Professional Qualifications, 2009 Edition;
 - (d) 1003 Standard for Airport Fire Fighter Professional Qualifications, 2010 Edition;
 - (e) 1005 Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, 2014 Edition;
 - (f) 1006 Standard for Technical Rescuer Professional Qualifications, 2013 Edition;
 - (g) 1021 Standard for Fire Officer Professional Qualifications, 2009 Edition;
 - (h) 1031 Standard for Professional Qualifications for Fire Inspector and Plan Examiner, 2014 Edition;
 - (i) 1033 Standard for Professional Qualifications for Fire Investigator, 2014 Edition;
 - (j) 1035 Standard for Professional Qualifications for Fire and Life Safety Educator, Public Information Officer, and Juvenile Firesetter Intervention, 2010 Edition;
 - (k) 1041 Standard for Fire Service Instructor Professional Qualifications, 2012 Edition;
 - (l) 1051 Standard for Wildland Fire Fighter Professional Qualifications, 2007 Edition;
 - (m) 1081 Standard for Industrial Fire Brigade Member Professional Qualifications, 2012 Edition;
 - (n) 1403 Standard on Live Fire Training Evolutions, 2012 Edition;
 - (o) 1500 Standard on Fire Department Occupational Safety and Health Program, 2013 Edition; and,
 - (p) 1521 Standard for Fire Department Safety Officer, 2008 Edition.

Authority: T.C.A. §§ 4-24-101, 4-24-106, 4-24-107, and 4-24-110.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Brian Biggs	X				
Frank Cotton				X	
Mark Finucane	X				
Thomas McCormack	X				
Michael Naifeh	X				
Michael Slay	X				
Matthew Sorge	X				
Charles Vance	X				
Gerald Wakefield	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commission on Fire Fighting Personnel Standards and Education (board/commission/ other authority) on 08/07/2014 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 06/16/14

Rulemaking Hearing(s) Conducted on: (add more dates). 08/07/14

Date: 10/1/2014

Signature: Joseph Underwood

Name of Officer: Joseph Underwood

Title of Officer: Chief Counsel for Fire Prevention & Law Enforcement

Subscribed and sworn to before me on: October 1, 2014

Notary Public Signature: Ann Jones

My commission expires on: June 21, 2016



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
 Herbert H. Slatery III
 Attorney General and Reporter
10/23/2014
 Date

Department of State Use Only

Filed with the Department of State on: 10/27/14

Effective on: 11/25/15

Tre Hargett
 Tre Hargett
 Secretary of State

2014 OCT 27 PM 5:56
 SECRETARY OF STATE

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

No public hearing comments (oral or written) were received regarding the rule.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

1. Types and estimated number of small businesses directly affected:

No small businesses will be affected by the rule.

2. Projected reporting, recordkeeping, and other administrative costs:

There is no foreseeable alteration in small business reporting or recordkeeping that will result from the rule.

3. Probable effect on small businesses:

No small businesses will be affected by the rule.

4. Less burdensome, intrusive, or costly alternative methods:

Since the rule will not impact small businesses, a less burdensome, intrusive or costly alternative method has not been identified or recommended for use.

5. Comparison with federal and state counterparts:

There are no federal counterparts to the rule. The State Fire Marshal's Office routinely adopts updated editions of many types of code standards for various professions (building, fire, electrical, fire extinguisher, liquefied petroleum, etc.) through rulemaking.

6. Effect of possible exemption of small businesses:

There are no exemptions for small businesses to the requirements because the rule will not affect small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule will likely impact local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule adopts updated code editions governing the performance standards for firefighters. The new updated code editions will ensure that firefighters are better trained to fight fires and protect the public and themselves while fighting fires.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

These rules are promulgated pursuant to Tenn. Code Ann. §§ 4-24-101 et seq. and 4-24-201 et seq.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The rule will impact fire departments, and the members of those departments, that participate in the State's educational incentive pay program and the paid and volunteer fire departments that participate in the State's certification program.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

I am unaware of any attorney general and reporter opinion or judicial ruling that directly relates to these rules.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The rule is expected to have minimal impact on state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Joseph Underwood, Chief Counsel for Fire Prevention and Law Enforcement, and Randy Fox, Director of Commission for Firefighting Personnel Standards and Education

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Joseph Underwood, Chief Counsel for Fire Prevention and Law Enforcement, and Randy Fox, Director of Commission for Firefighting Personnel Standards and Education

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Joseph Underwood (joseph.underwood@tn.gov), Chief Counsel for Fire Prevention and Law Enforcement, 500 James Robertson Parkway, Nashville, TN 37243, 615-741-3899; Randy Fox (randy.fox@tn.gov), Director of Commission for Firefighting Personnel Standards and Education, 500 James Robertson Parkway, Nashville, TN 37243, 615-741-1788.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

Not applicable.

**RULES OF
THE TENNESSEE COMMISSION ON FIRE FIGHTING
PERSONNEL STANDARDS AND EDUCATION**

**CHAPTER 0360-06-01
MISCELLANEOUS CERTIFICATION STANDARDS
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0360-06-01-.03 Domestic Violence Training

0360-06-01-.04 Progression
0360-06-01-.05 Reciprocity

0360-06-01-.01 Adoption By Reference

- (1) The Commission adopts by reference the following National Fire Protection Association (NFPA) Standards in their entirety as performance standards unless otherwise provided herein:
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 - (e) 1005 Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, 2007 edition 2014 Edition;
 - (f) 1006 Standard for Rescue Technician Technical Rescuer Professional Qualifications, 2008 edition 2013 Edition;
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 - (p) 1521 Standard for Fire Department Safety Officer, 2008 Edition.

Authority: T.C.A. §§ 4-24-101, 4-24-106(2), ~~4-24-106(4)~~, 4-24-107, ~~4-24-107(3)~~ and 4-24-110.