

**FINAL**

**FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE  
MEETING MINUTES  
July 10<sup>th</sup>, 2007**

Chaired by: Phil McLean

Meeting Date and Location: July 10<sup>th</sup>, 2007, Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223

Committee Members Present: Brent Gates, Terry Gill, Bob Babb, Jim Steele, Richard Sacco, Mark Lundy and Mark Mankins

Committee Members Absent:

Staff Present: Heather Reed Frient, John Kennington, Doug Orahood, Melissa Vermillion, and Aleta Dodson

Guests: Tom Beatty, Jim Lyle, and Charlie Dixon

The meeting was called to order at 10:07 a.m.

**REVIEW AND APPROVAL OF THE JUNE 12, 2007 FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE MINUTES**

**ACTION:** Motion to approve the June 12, 2007 Committee minutes with the noted change of removing names from the "Committee Members Absent" section. Steele first. Gill second.

**STAFF REPORT, Doug Orahood**

Approximately 1,600 individuals have used the web based testing. Fire tests have a 79% pass/failure rate. There was a marked increase in certified volunteer firefighters, as well as safety inspectors and fire instructors in June; however, this is not uncommon as it coincides with the end of the school year.

Interviews will be held Thursday, July 12, 2007, for the Administrative Assistant I position. The main duties of this position will be for site audits of fire training institutions. Mr. Orahood hopes the position will be filled and the employee in attendance at the August 2007 meeting.

A Program Directors' meeting regarding 401 will be held from 9:00 a.m. to 1:00 p.m. on August 30, 2007 at the Ohio Department of Transportation (ODOT) Auditorium, 1980 W. Broad Street, Columbus. Mr. McLean was surprised that during the last Fire Alliance meeting there weren't very many questions raised regarding continuing education. He thought there would have been more questions regarding penalties, and wondered if that should have been pointed out. Mr. Mankins said the firefighters know about the continuing education changes, but are concerned about other issues contained in the new rules. Mr. Orahood said once changes are noted during today's meeting regarding the new fire rules, they will be emailed out to committee members to review and discuss at the August, 2007 committee meeting. Any changes made at the August meeting will be incorporated into the rules for the August 30<sup>th</sup> meeting with the Program Directors for their input. Finally, it will be shown to the Ohio Fire Alliance at the September meeting, and with their approval, will then go to JCARR. Ms. Reed Frient stressed it needs to go to JCARR prior to December; if it is filed in December, it is essentially the same as filing in January. Chief Steele indicated he would like a meeting as a committee before the final draft goes to the Alliance. Mr. Orahood said a financial study showing impact on citizens and charters will have to be done for all the rules, which might be somewhat time consuming.

**ACTION: After the August Program Directors meeting and the September Alliance meeting, the committee will hold a one-day October workgroup to go over all additional comments, with the final draft going to JCARR at the end of October.**

John Kennington

Ms. Reed Frient said the fire certification cards can be issued but not until HB 401 becomes effective. Mr. Kennington said the firefighters will have one year to apply and get their card, which will be valid for three years. The plan is to have the expiration date be the individuals' birthdates. This information will be presented to the committee for approval at a future date. Mr. Kennington said they are still working on making EMTs expire on their birthdates, but it needs added into the legal language currently in place. He believes once it is in place for the firefighters and they love it, he is confident the laws will be changed for the EMTs certification to expire on their birthdates. He believes this will simplify the process and make it less confusing for certificate holders.

Mr. Kennington said approximately 50,000 firefighters need to apply, and 28,000 of those are certified as EMTs; 18,000 are certified fire safety instructors. He approximates that 30% of the current 50,000 firefighters will either drop out or be deceased. Mr. Kennington is unsure whether this massive amount of applicants will cause computer problems, especially if most of them wait until the last month or two. Mr. McLean said they can promote this information through trade magazines and Mr. Kennington said he will send an email to all Chief's when the rule goes into effect.

**CHAIR'S REPORT, Phil McLean**

Mr. William Mallory resigned his position on the Fire Committee Board. His replacement is Mark Lundy of the Worthington Fire Department.

On Monday, July 16, the University of Akron will be holding an instructor's meeting with all of their lead instructors; Chief Steele will be speaking on NFPA 1403.

### **Fire Training**

Mr. McLean and Chief Babb are working on raising funds to get the Florida "TRADE" Burn program to Ohio. Mr. McLean passed out a draft letter for the committee's comments. He has begun making phone calls to raise funds and already has commitments from several entities, and Akron Fire will provide a location and vehicles for the training. They hope to receive funds from the Fire Academy and other institutions. The training is tentatively scheduled for fall 2007 and will be called "Live Fire Master Trainer". The training will be five days. It was not yet known what the maximum number of students will be, but approximate about 25-30. Mr. McLean said the Florida team has a lot of different incident experience and he hopes sharing this knowledge with the Ohio firefighters will aid in better preparing us for when such incidents might occur. Mr. McLean said since the fire community is still losing individuals during live burn training, he would like to receive heavy media coverage with trade groups, locally and nationally.

**ACTION ITEM: All committee members were in favor of moving forward with sending Chair McLean's letter out and having the Florida training in Ohio. Mr. McLean will edit the letter and send out.**

Mr. McLean asked Tom Beatty of OSFSI to share this information with his group. Mr. Beatty expressed concern that if a fire department did not have someone attend the Live Fire Training Master Class and held live burn training and something happened, would that muddy the waters during the review? He said the AHJ (authority having jurisdiction) is the responsible party for live burn training and asked whether there will be another certification level for this type of instruction.

Chief Steele said NFPA 1403 is brand new rule and whether Worthington wants to run a non-certified class or not, that is up to the AHJ and they bear that burden entirely. If they run a certification class, he wouldn't have a problem holding them to a higher standard. Instructors have been to live burns that are not part of a cert class and we've all had thoughts of "I don't want to be here; this is not a good layout." Whether an instructor says something or not is entirely up to them and their moral conscious. But in a cert class, we have a little higher level of training. He personally feels it's time for Ohio, once again on this side, to get a little more proactive than reactive.

Mr. McLean pointed to the third line in his draft letter, "Recent incidents have been brought to the fire subcommittee's attention here in Ohio that may be classified as near misses." Mr. McLean brought up the issue previously addressed regarding the live burn with a high school group where no certified instructor was present. I think we have had a lot of near misses, the ones that we know about that get to this committee, and what about the ones we will never hear about and will read about one day.

Another audience member said maybe this is a certification a proactive department wants to get for their instructors or their instructors want to receive it. We know there are people out there who are going to look at it and say they're not going to spend more time to do that, they will just do things the way they've been doing them. I don't think that issue will ever be resolved. Charlie Dixon said the liability would rest with whether the teaching is being done from a fire department or fire charter. Mr. Orahood said they need to decide if they plan on creating another certification level or not. These are ideas we're just now exploring. We have regulatory authority over certified instructors. A certified instructor is a certified instructor regardless if he's teaching through a charter or not. He's carrying that credential, that certification card. Ms. Vermillion said on the EMS side, if the EMS instructor is not teaching within the EMS rules, they can be disciplined. If a fire chief can approve an instructor who doesn't have an instructor certification, then it would be a legal interpretation. Mr. McLean said it is just assumed that if a certified instructor is teaching something related to fire, then they would be acting as a certified fire instructor. Charlie Dixon asked how they are going to regulate it, especially when a non-certified instructor is teaching a class.

Ms. Vermillion said if an instructor is present and participating in the class as a student during live burn training, but is not instructing the course, they can't be disciplined as an instructor as it is not a rules violation. Disciplinary action depends on the regulatory authority. Mr. Orahood said the rules state certified instructors shall provide instructions in accordance with the curriculum and the NFPA standards set forth in 4765.55 of the Ohio Revised Code. Ms. Reed Frient wants to look further at legal interpretations on this.

Mr. McLean said this shouldn't stop the process of looking into the Florida team. When firefighters are prosecuted, the lawyers look to the NFPA standard, pick it apart as to what they followed or didn't follow. He expressed concern because right now so many don't follow NFPA 1403; he would rather see the fire community is over protected. Chief Gill said the issue right now is not whether a new certification level is being created, but looking at bringing this live burn program to Ohio and considering making assistant instructors have 16 hours training. The bottom line is whether NFPA 1403 is being followed. Mr. Orahood said 90% of our assistant instructors are used while in a live fire burn, but are not required to have any special training. He stressed they should not be anywhere inside or around the actual burn. Live fire training cannot be an assistant instructor; it has to be a certified instructor. Charlie Dixon commented that the charter should be penalized, not the individual. He said the Florida incident had live propane lit outside the house. Chief Steele said inside and outside fires are included in NFPA 1403 as of this year, and also includes flammable liquid fires.

Chief Steele said it is up to the program director to not hire unqualified instructors. He doesn't think we should create another certification level for assistant instructors to teach live burns, believing the standard is pretty clear it should only be a certified instructor. Chief Gill said the committee should be careful not to be putting certain people out of business. Captain Sacco believes a 16 hour course isn't asking that much of an instructor in order to keep someone safe. If the individual is such a great instructor, there shouldn't

be a problem taking 16 hours of training to qualify to work at a live burn training. Mr. Mankins would like a meeting with the program coordinators to look at blending a couple of certification levels.

There is concern that instructors who have taught the live burn course over time without additional training may not be as sharp as they were or might forget something. This is the argument for continuing education. Mr. Kennington expressed training should be taught the same way so everyone is on the same page. Each instructor will teach the same course a little differently. Mr. Mankins said until there is only one text book to teach from or the state teaches the class themselves, this issue will remain.

Discussion was held whether flashover training would qualify as a live burn. Mr. McLean said it would not qualify; it would only qualify for chemistry of fire training. A comment was made that program directors are signing the skill sheet saying flashover training qualifies as live fire training. In order to remedy that, a complaint needs to be turned in to the Fire Committee. If it remains unreported, it will keep occurring.

### **Rules**

Mr. Orahod, Ms. Reed Frient and Ms. Vermillion will handle the grammar type issues outside the committee meeting. Comments from today will be included in a revised draft, which will be emailed to members for review and discussion at the August meeting.

4765-23-01 – Ms. Reed Frient is unclear whether R.C. 4765.101 and 4765.102 regarding subpoena power and confidentiality of complaints apply to the Fire Committee since these sections refer to the EMS Board. Ms. Frient stated she would need to review this issue and report back to the Committee.

Ms. Reed Frient clarified to the Committee that R.C. 4765.55 is the specific statute pertaining to fire, whereas the remaining sections within R.C. Chapter 4765. mostly pertain to EMS. Although the Committee technically falls under the EMS Board, it has specific statutory authority in 4765.55 which would govern over some of the more general statutes in Chapter 4765.

Mr. Mankins questioned why protecting patient confidentiality was listed in 4765-23-01(e). Ms. Reed Frient indicated that it is required by law.

4765-23-02 – The committee agreed to use the term “certificate to teach”, which mirrors the EMT terminology. This could be included in definitions in 4765-11-01.

Fire service training rule should be put in 4765-11-08.

4765-23-02(b) – use “course of practice” instead of “duty”. It’s in law; rules need to mirror EMTs.

4765-23-03 – Committee wants language put in place for permanent revocation. Remove judicial finding of guilt.

4765-22-01(d) – Ms. Reed Frient wants to take out the requirement that a convicted applicant obtain a BCI&I check due to state mandated ban on rules that implement new fines. There was discussion whether the intent of the ban was simply to not pass anything on to the general public or state certified professionals. Chief Steele said most fire fighters already have to pay for BCI&I checks to be employed in the fire community. A BCI&I check costs anywhere from \$15 to \$70, depending on where they are done. Mr. McLean indicated the committee will only require a background check when a fire fighter is being investigated for a specific incident; background checks are not being required for certification. Mr. Mankins said this is a standard practice on the EMS side. The committee unanimously agreed to keep the BCI&I language in.

**ACTION ITEM: Ms. Reed Frient will evaluate the following:**

- 1. Can action be taken against a teacher or instructor doing in-service training in a non-chartered program?**
- 2. If a written complaint against an instructor is received, would the fire committee have to investigate? (The committee believes they are not the fire community police.)**
- 3. If a certified instructor teaches a class through a non-chartered institution, do we have authority over their instructor certificate, or does it fall under local prosecution.**
- 4. Can we certify assistant fire instructors, and what if they happen to be teaching, but are not following NFPA, can we discipline; do they have to be attached to a charter or don't they?**
- 5. Review the two most recent code section changes (4765.101 and .102) to be sure what the fire committee is proposing does not violate the laws in place.**

**ACTION ITEM: Mr. Orahood will make additional revisions to the HB401 rules and redistribute to the committee for review and discussion at the August committee meeting.**

Ms. Vermillion requested members review 4765-11-03 (chartering) as the rules have changed.

**ASSISTANT ATTORNEY GENERAL, Karen Unver (Heather Reed-Frient)**

No report given.

#### **NEW BUSINESS**

Mr. McLean encouraged members to review the interviews of the mayor and fire chief regarding the Charleston, South Carolina fire. This information can be found on websites such as firehouse.com.

Firefighter and Fire Safety Inspector Training Committee

Mr. McLean indicated departments donating \$1,000 to the Florida training will either make the check payable to the Akron Fire Department or the University of Akron.

The committee had their picture taken for inclusion in an upcoming OSFA article.

**OLD BUSINESS**

No comments were brought forward.

**ADJOURNMENT**

**ACTION:** **Motion to adjourn.** Babb first. Gill second. None opposed. Motion approved.

**Meeting adjourned at 12:10 p.m.**