

**Rule Summary and Fiscal Analysis (Part A)****State Board of Emergency Medical, Fire, and Transportation Services**

Agency Name

Division

**Anna Firestone**

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**4765-11-12**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Firefighter II transition course.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4765.55**

5. Statute(s) the rule, as filed, amplifies or implements: **4765.55**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed according to a R.C. 119.032 review. This rule is also proposed to replace existing rule 4765-11-12 due to LSC's fifty percent guideline. It is estimated that changes to the new rule strike approximately fifty percent of the text in the existing rule while adding a comparable amount of new text.

7. If the rule is an AMENDMENT, then summarize the changes and the content

of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets forth the instructional requirements for the firefighter II transition course that meet the objectives in the National Fire Protection Association (NFPA) Standard 1001, "Standard for Fire Fighter Professional Qualifications." The NFPA is a nationally recognized organization that sets standards for fire training courses across the United States. As NFPA Standard 1001 relocated the hazardous materials operation level training required for a firefighter II to firefighter I, the training requirements for firefighter II set forth in this rule were reduced by sixteen hours.

This new rule also adds the National Fallen Firefighter Foundation's, four-hour, "Courage to be Safe: Sixteen Life Safety Initiatives" course to the curriculum. Stakeholders recommended the course in response to information provided by the NFPA and the National Institute for Occupational Safety and Health (NIOSH) which provide statistical data on firefighter line-of-duty deaths, near-misses, and firefighter injuries and illnesses.

The reference to the National Incident Management System (NIMS) course was removed from the this rule and placed in the certification rule, OAC 4765-20-02. Additionally, language was added to this rule to identify that the dates and availability of materials incorporated by reference are located in paragraph (CC) of rule 4765-11-01 (N) (See filing package 114977).

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates the "Firefighter I and II Course Objectives," (September, 2013), the "Courage to be Safe, Sixteen Life Saving Initiatives Course," (October, 2013), NFPA 1001, NFPA 1002 and NFPA 1451 by reference. To comply with sections 121.71 to 121.74 of the Revised Code, this rule refers readers to paragraph (CC) of rule 4765-11-01(N)(See filing package 114977), which addresses the version/date of the material, as well as its availability via [http://ems.ohio.gov/ems\\_fire\\_srvcs.stm](http://ems.ohio.gov/ems_fire_srvcs.stm).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

In compliance with R.C. 121.73, "Firefighter I and II Course Objectives" is being filed as part of new rule 4765-11-01 (See filing package 114977), which addresses the version/date of incorporated materials, as well as where they may be accessed.

The "Courage to be Safe, Sixteen Life Saving Initiatives Course" is not filed as part of this package as it is a web-based training module available via LifeSafetyInitiatives.com through a link on EMS' website at [http://ems.ohio.gov/ems\\_fire\\_srvcs.stm](http://ems.ohio.gov/ems_fire_srvcs.stm).

NFPA 1001, NFPA 1002 and NFPA 1451 are not being filed as part of this package as the material is copyrighted and available only via the NFPA website at [www.nfpa.org](http://www.nfpa.org). To comply with sections 121.71 to 121.74 of the Revised Code, NFPA 1001, NFPA 1002 and NFPA 1451 are fully addressed in rule 4765-11-01(N)(See filing package 114977), which provides full citation, date/version of the material, and availability via [http://ems.ohio.gov/ems\\_fire\\_srvcs.stm](http://ems.ohio.gov/ems_fire_srvcs.stm).

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current

biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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This rule is not expected to impact the agency's budget in the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule sets forth the instructional requirements for the firefighter II transition course that meet the objectives in the National Fire Protection Association (NFPA) Standard 1001, "Standard for Fire Fighter Professional Qualifications." It is estimated that students enrolling in the course typically incur tuition costs of approximately \$650. The NFPA is a nationally recognized organization that sets standards for fire training courses across the United States. As NFPA Standard 1001 relocated the hazardous materials operation level training required for a firefighter II to firefighter I, the training requirements for firefighter II set forth in this rule were reduced by sixteen hours.

At the request of Ohio's fire service stakeholders, and in response to information provided by the National Fire Protection Agency and National Institute for Occupational Safety and Health, this rule proposes that the four-hour "Courage to be Safe: Sixteen Life Safety Initiatives" course be added to the curriculum.

Surveys were sent to all chartered programs to ascertain adverse impact and cost associated with the proposal. Stakeholders estimate that no increase in cost of compliance is expected because the changing course requirements resulted in a net decrease of 12 hours of required instruction.

Source: The estimated cost of compliance was determined by the Firefighter and Fire Safety Inspector Training Committee and replies to a statewide survey sent to all chartered programs to ascertain adverse impact. The committee members include fire chiefs, firefighters, fire instructors, fire safety inspector instructors, fire safety inspectors, and training program directors.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

This rule, in and of itself, does not require prior authorization to engage in business. However, it is part of a filing package that does, as some provisions in Chapter 4765-11 require fire service training programs to receive approval from the EMS executive director for a program charter prior to offering courses at the following classification levels: volunteer firefighter, firefighter I, firefighter II, fire safety inspector, fire instructor or fire safety instructor.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **No**

This rule, in and of itself, does not impose a penalty or sanction. However, it is part of a filing package that does, as some provisions in Chapter 4765-11 establish that an administrative sanction up to and including revocation of a fire service training program charter or classification may be imposed for violations of Chapter 4765-11 of the Administrative Code pursuant to rule 4765-23-02 of the Administrative Code.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

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