

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

Agency Name

Division

Anna Firestone

Contact

**1970 West Broad Street Suite 531 Columbus OH
43223-0000**

Agency Mailing Address (Plus Zip)

614-466-7014

Phone

Fax

lfirestone@dps.state.oh.us

Email

4765-20-02

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Qualifications for a firefighter certificate.**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 4765-20-02 due to 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 establishes the requirements that an applicant shall meet in order to obtain a certificate of firefighter training. Changes to this new rule include the requirement to complete the National Incident Management System (NIMS) courses mandated by the United States' Department of Homeland Security. Also, an applicant for firefighter I or firefighter II will have to complete a course on hazardous materials awareness and operations in order to be eligible for certification. Credit can be granted for the hazardous material course if taken in the past twenty-four months. Additionally, language was added to this rule to identify that the dates and availability of materials incorporated by reference are located in rule 4765-11-01(N) (See Filing Package 114977) of the OAC.

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 or Fire Safety Inspector Initial Application," the Federal Emergency Management Agency's (FEMA) National Incident Management System (NIMS) courses IS-700 and IS-100, and National Fire Protection Association (NFPA) standards. 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 materials, as well as where each may be accessed.

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 or Fire Safety Inspector Initial Application" 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.

However, the NIMS courses and NFPA standards are not, as these materials are copyrighted and available only via the Federal Emergency Management Agency's website at www.fema.gov and the National Fire Protection Association (NFPA) website at www.nfpa.org. To comply with sections 121.71 to 121.74 of the Revised Code, these materials are fully addressed in rule 4765-11-01(N) (See filing package

114977), which provides full citation, date/version of the materials, and availability.

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.

0

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 qualifications necessary to be issued a firefighter certificate by the Executive Director. It is estimated that applicants typically incur tuition costs of approximately \$1000 to \$1200. This rule requires the completion of National Incident Management System (NIMS) courses IS-700 and IS-100, which is available free at <http://www.fema.gov/emergency/nims/index.shtm>.

Surveys were sent to all chartered programs to ascertain adverse impact and cost associated with the proposal. Stakeholders shared that the additional firefighter II requirements may increase instructional time up to twenty hours resulting in an increase of instructional costs from \$150 to \$500. The variance in costs is dependent upon the size of the institution, instructors' pay rate, whether or not an affiliation agreement is utilized, the institution's choice of instructional materials and the number of students enrolled in the course. The increase in costs is expected to be passed along to the student. As a result, students may see tuition fees increase.

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 sets forth the qualifications and requirements for an applicant to be issued a firefighter certificate by the EMS Executive Director. This rule, in and of itself,

does not require prior authorization, however, it is part of a filing package that does, as some provisions in Chapter 4765-20 require firefighters and fire safety inspectors to apply for the appropriate certificate issued by the EMS executive director prior to engaging in fire services.

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? **Yes**

This rule sets forth the qualifications and requirements for an applicant to be issued a firefighter certificate by the EMS Executive Director and provides that the EMS Executive Director may grant, refuse to grant, or restrict a certificate of fire training to an applicant who fails to meet the requirements.

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

This rule sets forth the qualifications necessary to be issued a firefighter certificate by the Executive Director. It is estimated that applicants typically incur tuition costs of approximately \$1000 to \$1200. This rule requires the completion of National Incident Management System (NIMS) courses IS-700 and IS-100, which is available free at <http://www.fema.gov/emergency/nims/index.shtm>.

Surveys were sent to all chartered programs to ascertain adverse impact and cost associated with the proposal. Stakeholders shared that the additional firefighter II requirements may increase instructional time up to twenty hours resulting in an increase of instructional costs from \$150 to \$500. The variance in costs is dependent upon the size of the institution, instructors' pay rate, whether or not an affiliation agreement is utilized, the institution's choice of instructional materials and the number of students enrolled in the course. The increase in costs is expected to be passed along to the student. As a result, students may see tuition fees increase.

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.