

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Division of Public Safety-Division of EMS

Regulation/Package Title:

Chartering of Firefighter and Fire Safety Inspector Training Program

Rule Number(s): OAC rules 4765-11-01 through OAC 4765-11-21

Date: June 5, 2013

Rule Type:

X New

X 5-Year Review

X Amended

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Chapter 4765-11 of the Administrative Code (OAC) is authorized by sections 4765.55 and 4765.04 of the Revised Code (RC). This chapter sets forth the following:

- Definitions for terminology related to firefighters, fire safety inspectors, fire instructors, fire charters, and curricula used throughout OAC Chapters 4765-11, 4765-20, 4765-21, 4765-22, and 4765-23.*
- Dates and availability of materials incorporated by reference that appear throughout OAC Chapters 4765-11, 4765-20, 4765-21, 4765-22, and 4765-23 are located in this chapter.*
- The criteria by which the Executive Director of the State Board of EMS (Executive Director) may approve, renew, or deny an application for a fire charter to operate fire training courses.*
- The different levels of fire training classifications that a charter may teach.*
- The curricula and training standards for firefighter, fire safety inspector, and fire service instructor training programs.*
- The criteria by which a charter is approved to utilize online education and distance learning courses and the requirements for how the courses are to be instructed.*

Chapter 4765-11 of the OAC is proposed for filing in response to a scheduled RC 119.032 five-year rule review. As the majority of rules in Chapter 4765-11 were reorganized for clarity and consistency, updated to reflect changes in terminology, and revised to more effectively address availability of materials incorporated by reference, the majority of the rules are proposed as new, while simultaneously proposed for rescission. This is due to the fifty percent rule-formatting guideline, which provides for simultaneous adoption/rescission, if it is estimated that changes strike approximately fifty percent of the existing text while adding a comparable amount of new text.

OAC rule 4765-11-01 is being proposed as a rescinded/new rule. This rule sets forth the definitions pertaining to firefighters, fire safety inspectors, instructors and chartered programs that are utilized in OAC Chapters 4765-11, 4765-20, 4765-21, 4765-22, and 4765-23. This rule is being amended to include or clarify the following fire-related definitions: affiliation agreement, assistant fire instructor, certificate to teach, distance learning, division, fire instructor, fire safety inspector instructor, firefighter, instructional methods examination, knowledge examination, lead instructor, moral turpitude, National Fire Protection Association (NFPA) standard 472, practical skills evaluator, reinstatement, and online education. Additionally, definitions were removed that are no longer applicable or utilized. Also, a paragraph has been added to address dates and availability of

the materials incorporated by reference that appear in Chapters 4765-11, 4765-20 to 4765-23 of the OAC.

OAC rule 4765-11-03 is being proposed as a rescinded/new rule. This rule sets forth the requirements for a training institution to be issued a fire charter from the Executive Director. This rule is being amended to clarify language involving the requirements for a training program seeking a fire charter to provide fire training courses. The reference to the National Incident Management System (NIMS) course requirements was relocated to OAC rule 4765-20-02 and OAC rule 4765-20-03. 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 of the OAC.

OAC rule 4765-11-04 is being proposed as a rescinded/new rule. This rule sets forth the application requirements for a fire charter. This rule is being amended to clarify that an incomplete application for a fire charter will not be processed and will be returned to the applicant. 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 of the OAC.

OAC rule 4765-11-05 is being proposed as a rescinded/new rule. This rule sets forth the renewal requirements for a fire charter. This rule is being amended to clarify the timeline and requirements for renewing a fire charter and to include the requirement that the Executive Director shall make the application available to a fire charter holder no later than ninety days prior to expiration of the charter. 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 of the OAC.

OAC rule 4765-11-07 is being proposed as a rescinded/new rule. This rule sets forth the reinstatement requirements for a fire charter that has expired that wishes to be re-issued a fire charter. This rule is being amended to clarify the timeline and requirements for reinstating an expired charter. Timelines were changed to be consistent with the reinstatement timeline for EMS schools. Since many training institutions are also accredited by the State Board of EMS, this will afford consistency in the processes for reinstatement both fire and EMS training institutions. 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 of the OAC.

OAC rule 4765-11-08 is being proposed as a rescinded/new rule. This rule sets forth the conditions under which the Executive Director may reinstate a charter that has been revoked. Timelines were changed to be consistent with the reinstatement timeline for EMS schools. Since many training institutions are also accredited by the State Board of EMS, this will afford consistency in the processes for reinstatement both fire and EMS training institutions. 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 of the OAC.

OAC rule 4765-11-09 is being proposed as a rescinded/new rule. This rule sets forth the volunteer firefighter course hours and content. It is being amended to remove the NIMS courses from the

volunteer firefighter course. The prerequisite has been relocated in the certification requirements for certification OAC rule 4765-20-02.

OAC rules 4765-11-10, 4765-11-11, 4765-11-12 and 4765-11-13 are being proposed as rescinded/new rules. These rules set forth the course hours and content requirements for the firefighter I transition course, firefighter I course, firefighter II transition course and the firefighter I and II course. All courses are based on NFPA standards. The NFPA is an international nonprofit organization which sets the nationally accepted standards, for research, training, and education for all aspects of firefighting and the fire service.

- The number of hours required in the curriculum for the firefighter I and II training courses have been increased by four hours, which is devoted to the National Fallen Firefighter Foundation's Course, "Courage to be Safe: Sixteen Life Safety Initiatives." This course was added to the curriculum at the request of Ohio's fire service stakeholders. Stakeholders recommended these courses 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 NIMS course was removed from the curriculum rules and placed in the certification rule, OAC 4765-20-02.*
- Additionally, language was added to these rules to identify that the dates and availability of materials incorporated by reference are located in rule 4765-11-01 of the OAC.*

OAC rule 4765-11-14 is being proposed as a rescinded/new rule. This rule sets for the fire safety inspector course. It is being amended to move the reference to the NIMS requirements to the certification requirement rule, OAC rule 4765-20-03. Additionally, language was added to these rules to identify that the dates and availability of materials incorporated by reference are located in rule 4765-11-01 of the OAC.

OAC rules 4765-11-15 and 4765-11-16 are being proposed as rescinded/new rules. These rules set forth the fire instructor and fire safety inspector instructor courses. These rules are being amended to decrease the minimum number of hours required in instruction of adult students and basic teaching techniques, from seventy (70) hours to sixty (60) hours. This change is being made to maintain consistency in the course requirements for fire and EMS instructors since the instructor curriculum is universal for both EMS and fire. Additionally, language was added to these rules to identify that the dates and availability of materials incorporated by reference are located in rule 4765-11-01 of the OAC.

OAC rule 4765-11-17 is being proposed as a new rule. This rule establishes the requirements for a fire charter to operate training courses at offsite locations. This new rule requires each offsite location to meet the minimum standards for a fire charter. Additionally, if a chartered program wishes to utilize locations outside of Ohio, the program shall meet all of Ohio requirements and any additional applicable law, rules, or regulations in that state.

OAC rule 4765-11-18 is being proposed as a new rule. This rule establishes the guidelines for a chartered program to provide the fire instructor and fire safety inspector courses through alternative methods to the traditional classroom setting. This new rule permits the usage of online or distance learning mechanisms to provide instruction in these courses.

OAC rule 4765-11-19 is being proposed as a new rule. This rule sets forth the security requirements to be met by a fire charter and a charter program director administering fire examinations for state of Ohio certification. This rule requires that the program director and proctors maintain the security and integrity of the state testing processes.

OAC rule 4765-11-20 is being proposed as a new rule. This rule establishes the requirements to be met by a fire charter and a charter program director administering the practical examinations for state of Ohio certification. This rule requires that the program director and proctors maintain the security and integrity of the state testing processes. 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 of the OAC.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

RC sections 4765.04 and 4765.55.

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

No, the regulation does not implement a federal requirement.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

This regulation does not implement a federal requirement.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Pursuant to section 4765.55 of RC, the Executive Director, with the advice and counsel of the Firefighter and Fire Safety Inspector (FFSI) Training Committee of the State Board of Emergency Medical Services, is mandated to adopt rules that establish the standards for the issuance of a fire charter by the Executive Director and the curriculum requirements for the training and instruction of firefighters, fire safety inspectors and instructors.

The proposed changes to OAC Chapter 4765-11 establish consistent fire service training

requirements for all Ohio fire service personnel, including volunteer firefighter, firefighter I and II, fire safety inspector, fire instructor, and fire safety inspector instructor programs. The fire service training requirements established in this chapter are based upon the NFPA standards, the recognized standard for firefighting by federal, state, and local governments.

Fire service training based on national performance standards will better provide Ohio citizens with qualified firefighters, fire safety inspectors, and instructors at the local, regional, and state level. Properly trained members of the fire service help to ensure efficient and effective delivery of fire services to the citizens of Ohio, as well as a safer work environment.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

OAC Chapter 4765-11 establishes the curriculum and criteria for evaluating a firefighter's mastery of knowledge, skills and abilities as established in the current NFPA standards. The standard for success will be measured by reviewing student files at each approved chartered training program and assessing the written and practical examination results. Success will be measured by improved test scores, reduction of injuries and illnesses, fatalities, and near misses producing a qualified firefighter. Incorporating additional hours of training will continue to improve delivery of fire department services.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The FFSI Training Committee held meetings to discuss the draft rules and requested stakeholder participation in this process from a wide range of representation of the Ohio fire service. On September 20, 2012, an invitation to participate in a rule review forum was e-mailed to a specific list of stakeholders comprised of membership from Ohio fire service organizations. Each organization was invited to send representation to the public forum. Stakeholders invited included, but were not limited to, fire chiefs, firefighters, fire instructors, fire safety inspector instructors, fire safety inspectors, program directors and other personnel. A forum was held at the Ohio Department of Public Safety on November 1, 2012. The stakeholders were provided copies of all draft rules and asked to provide their expertise and opinions regarding the content of these rules. After the forum, the Executive Director and the FFSI Training Committee met on November 13, 2012 and reviewed all of the stakeholder input. Advice and counsel was given to the Executive Director for his consideration on the rules. The FFSI Training Committee reviewed the comments from the stakeholders and the revised rules containing the solicited input were emailed to the stakeholders on December 12, 2012.

The following organizations were represented on the rule forum on November 1, 2012:

The following organizations were represented:

Ohio State Firefighters' Association

Columbus Fire Department

Ohio Association of Professional Fire Fighters

Ohio Fire Chiefs' Association

Ohio Fire Official Association

Violet Township Fire Department/Ohio Society of Fire Service Instructors

Clark State Community College/Ohio Society of Fire Service Instructors

Ohio Fire Charter Collaborative / Ohio Fire Training Academy

State Board of EMS Members

State Fire Marshal /Ohio Fire Academy

Ohio Fire Charter Collaborative

The FFSI Training Committee reviewed the comments from the stakeholders and forwarded the revised rules to the stakeholders.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

Stakeholders' Discussion on November 1, 2012

4765-11-03

- *There are a sufficient number of certified instructors to ensure that the ratio of students to instructors does not exceed five to one during all practical skills instruction.*

Stakeholder Input: *It was requested by a stakeholder that the rule requiring the student to instructor ratio be changed to six to one.*

Results: *The executive director, with advice and counsel of the FFSI training committee, determined that the rule will not be changed from the current ratio of five students to one instructor for reasons of safety and accountability.*

4765-11-09

- *A training course for volunteer firefighter certification shall consist of thirty-six hours of training, as approved by the executive director.*
- *A chartered program shall not allow students enrolled in a volunteer firefighter training course to participate in live burn evolutions prior to obtaining state certification.*

Stakeholder Input: *The question was raised by a stakeholder asking how a firefighter can be a firefighter without participating in a live burn.*

Results: The Executive Director, with advice and counsel of the FFSI training committee, does not support volunteer firefighters entering a live burn until they are certified according to the RC 4765.55. The basis for this decision was due to safety reasons.

The FFSI Training Committee stated that the RC section 4765.55 mandates that a volunteer firefighter training course not exceed the maximum of thirty-six hours of training. The FFSI Training Committee was adamant that these hours are not enough to properly prepare a student to participate in live fire training within those thirty-six hours. Live fire training would increase the number of hours in a volunteer firefighter course by a minimum of eight hours. The Executive Director suggested the stakeholders seek support from the Ohio fire service to increase the number of training hours that are mandated in the RC.

4765-11-10

- A training course to train certified volunteer firefighters to the firefighter I certification level shall consist of a minimum of four hours of the "National Fallen Firefighter Foundation, (NFFF) Courage to be Safe: Sixteen Life Safety Initiatives" program.

Stakeholder Input: A stakeholder questioned if there is testing on the NFFF four hours of training. It was also questioned whether or not to implement the four hours of training if the test is not going to be validated.

Results: There is currently no testing on the four hours. The Executive Director agreed to include test questions for the four hours of training as part of the NFFF's Courage to be Safe: Sixteen Life Safety Initiatives program.

4765-11-12

- A training course to transition a certified firefighter I to the firefighter II certification level shall consist of the following requirements: (4) Shall meet the minimum requirements in terms of professional core competencies required for hazardous materials awareness and operations levels for responders as set forth for each level of responsibility in "NFPA 472, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents, (2013 edition)"

Stakeholder Input: A stakeholder raised the question regarding whether or not a firefighter I is to be expected to repeat the NFPA standard 472 requirements when moving to firefighter II.

Results: The rule was reviewed by the Executive Director, and it was agreed to change the rule to permit credit to be granted for previous training received. Previous training credit may be given if the training is recognized by the program director of a chartered program and has been completed within twenty-four months of the course start date. This requirement was added into rule 4765-20-2 of the OAC, as well.

4765-11-12

Stakeholder Input: A stakeholder questioned the twenty-four month period.

Results: The FFSI Training Committee felt that the twenty-four month timeframe was fair. The committee stated knowledge retention after twenty-four months is questionable.

4765-11-15

- Twenty-four hours in instruction specific to NFPA standard 1403; and

Stakeholder Input: Stakeholders questioned the need for a twenty-four hour course in live burn training for instructors that do not conduct live burn training.

Results: The Executive Director, with advice and counsel of the FFSI Training Committee, reduced the course from twenty-four hours to a four hour awareness course of instruction in live fire training. Only new instructors participating in instruction of live burn training will need to take the twenty-four hour course.

4765-11-18

- An enterprise shall make student records available to the Division online, in a password protected environment upon request.

Stakeholder Input: A stakeholder stated that rule should be clarified with who controls the password.

Results: The Executive Director stated the fire chartered programs are responsible for security of student passwords and personal information. The Division would access student records only during a fire charter course file audit process.

4765-11-18

- Ensures that the classroom and online portion of the course will include administration and scoring of the final examination and that the final examination shall not be included in an initial fire service training program offered through online or distance learning.

Stakeholder Input: A stakeholder requested that the rule be clarified to identify the examination. A stakeholder was concerned about the clarity of the rule, and whether or not it ensures that the initial fire service training program taught through an online education or distance learning system meets the criteria that was outlined in Chapter 4765-11-18.

Results: The Executive Director, with advice and counsel of the FFSI Training Committee, addressed all concerns and clarified this rule.

4765-11-18

- Ensures that the traditional classroom and/or laboratory at a chartered program must be utilized for instruction and practice of skills.

Stakeholder Input: A stakeholder asked for clarification on the term “affiliation.” In addition, asked for clarification of whether or not the classrooms have to be at a chartered program’s location.

Results: The Executive Director, with advice and counsel of the FFSI Training Committee, addressed all concerns and clarified this rule. The term “affiliation agreement” was clarified in the definition section, OAC rule 4765-11-01.

4765-11-18

- Approval to conduct training utilizing online or distance learning that is specific to the fire service training program level and type of delivery system.

Stakeholder Input: A stakeholder wanted this rule clarified to reflect the fire service training program’s current level.

Results: The Executive Director, with advice and counsel of the FFSI Training Committee, addressed all concerns and clarified this rule.

4765-11-18

- The chartered program shall maintain documentation to show how the online or distance learning covers the hours stipulated in the curricula set forth in chapter 4765-11 of the Administrative Code, and how the hours correspond from a traditional classroom environment into the online or distance learning.

Stakeholder Input: A stakeholder raised the question of whether or not the online course hours could be measured.

Results: The Executive Director, with advice and counsel of the FFSI Training Committee, addressed all comments and agreed that online training courses should be equal to or exceed the hours of a traditional classroom and must be documented to demonstrate compliance.

4765-11-19

- Provide a designated computer laboratory, for examination dates selected, which will be used for examinations. The computer used for examinations shall not have a designated printer connected during examinations. No personal computers or laptops are to be use.

Stakeholder Input: A stakeholder raised the question of whether or not personal computers are to be utilized during testing. This rule needed to be clarified. In addition, the question

was raised regarding a problem with designated printers. There was concern regarding the process of maintaining the integrity of the test if a designated printer was not eliminated.

Results: *The Executive Director, with advice and counsel of the FFSI Training Committee, addressed all concerns and clarified the rule. It was decided by the Executive Director that disconnecting printers would be too difficult to enforce and extremely cumbersome for some institutions to accomplish; therefore the requirement to remove designated printers was deleted.*

4765-11-19

- *No certified firefighter, certified instructor, or EMS instructor shall proctor or be present during the examination unless the individual is sitting for the examination as part of the course requirements.*

Stakeholder Input: *A stakeholder raised the question regarding the responsibility of program directors. A program director is relied upon to uphold the integrity of the process of certification, but not responsible enough to maintain the integrity of the testing process?*

Results: *The Executive Director, with advice and counsel of the FFSI Training Committee, addressed all concerns and decided to keep the rule as it stands, as test compromise is a serious and costly issue.*

4765-11-20

- *The program director, or his or her designated skills coordinator, shall ensure practical skills stations are set up one half hour prior to scheduled examination time.*

Stakeholder Input: *It is an unreasonable request to designate a specific timeframe for set-up prior to examination time.*

Results: *The “half hour” timeframe was removed from the rule for practical skill testing. Requirement changed to require the skill stations are set up prior to examination time.*

4765-11-20

- *No candidate is permitted to observe another candidate during practical skills examinations.*

Stakeholder Input: *It is unreasonable to assume no observation of other candidates.*

Results: *This rule was clarified to state that no candidate can directly observe practical skills testing of other students. The clarification was acceptable to the stakeholders.*

4765-11-20

- *The program director will allow only certified fire instructors that have completed the evaluator training program, as approved by the Executive Director, to evaluate*

students during practical skill examinations. No instructors of content in the fire training course being evaluated can evaluate students in practical skill examinations.

Stakeholder Input: *A stakeholder asked for clarity regarding this rule. There is an evaluator training program that takes three to four hours to complete. There is concern that this is a big cost for smaller charters, and it was requested that assistant fire instructors be added as practical skill evaluators during practical skills testing.*

Results: *The Executive Director, with advice and counsel of the FFSI Training Committee, addressed all concerns and revised this rule, permitting assistant fire instructors to serve as practical skill evaluators during practical skills testing to help offset costs to smaller schools.*

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

There was no scientific data to be considered.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

No alternatives were considered since pursuant to RC section 4765.55, the Executive Director, with the advice and counsel of the FFSI Training Committee, shall adopt rules that establish the fire curricula, continuing education programs, and standards for the performance of firefighters and fire charters. The regulations were written in accordance with the internationally accepted NFPA standards. NFPA is responsible for 300 codes and standards that are designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, training and installation in the United States, as well as many other countries. With a membership that includes more than 70,000 individuals from nearly 100 nations, NFPA is the world's leading advocate of fire prevention and an authoritative source on public safety. The ability to develop alternative regulations is limited by the requirements established by NFPA.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.
*Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

OAC Chapter 4765-11 sets forth the firefighter curriculum and testing standards, which are compliant with NFPA firefighter professional qualifications and approved by the Executive Director, with the advice and counsel of the FFSI Training Committee. OAC Chapter 4765-11 also institutes written and practical skills examinations to evaluate the students' competencies in these training standards. The chartered fire program has the flexibility to deliver courses utilizing instructional strategies of its own design. Instructional strategies must align with the curricula and meet or exceed the knowledge and practical skills standards of competency. These rules allow the chartered program the flexibility in instructional strategies and delivery. Performance can be measured by the

rates of students enrolling in the firefighter, fire safety inspector and instructor courses in comparison to the number who successfully complete the courses. Additionally, success can be measured by the pass rate for students taking the state certifying practical and knowledge examinations. This can be monitored by surveying schools for number of students enrolling in a course and passing the state examinations.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

Pursuant to the RC section 4765.55, only the Division of EMS establishes, regulates and monitors the requirements and procedures for the chartering of fire service training programs and training programs classification. The Division of EMS has reviewed all applicable Ohio Revised Code and Ohio Administrative Code provisions relating to the training standards, curricula and certification processes for Ohio volunteer firefighter, firefighter I and II, fire safety inspector, fire instructor, and fire safety inspector instructor programs. In addition, state administrators, stakeholders, field specialists and staff members conducted an extensive review of the rules promulgated under RC section 4765.55 to ensure that the regulations were not duplicated in Ohio.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Using the Division's website and EMS listserv, the Division will provide stakeholders with notice of the final filed rules and the effective date. The Division will draft and post summaries of the rule content and changes on both the Division's website and the EMS listserv. Division staff will make presentations regarding the rule changes at both state and local fire training and education conferences. The Division will also use also publications such as the Division's newsletter, "The Siren," the Ohio Fire Chiefs' "In Command" magazine, and the Ohio State Firefighters' Association's "Ohio Firefighters" magazines to notify Ohio's fire service of the rule changes. Status reports will be presented to the FFSI Training Committee. Additionally, a formal report of the rule changes and status are reported during each of the regularly scheduled EMS board meetings. Additionally, annual reports will be compiled and distributed yearly.

Division staff is notified and kept up-to-date of all rule changes and the impact involving enforcement of the amended or newly promulgated rules. The Division has policy and procedures that are followed when reviewing an application for a fire charter and conducting on site reviews of the program requirements. Notification of the rule changes to Division staff will be delivered internally through bi-weekly meetings, as well as cross-training of staff on co-workers' job responsibilities that will increase the overall knowledge and efficiency of the Division.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- a. Identify the scope of the impacted business community;
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and
- c. Quantify the expected adverse impact from the regulation.
The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.
 - a. There are 64 chartered fire service training programs that offer fire service training courses throughout Ohio. To date, Ohio has certified 10,068 fire safety inspectors, 41,463 firefighters and 8,442 fire service instructors. The overall proposed changes to Chapter 4765-11 regulations add approximately 20 additional instructional hours of new skill sets to firefighter I and firefighter II curricula. This will increase instructional costs for materials, instructional time, and examinations.
 - b. Additional hours added to the curricula will result in additional instructional hours, course hours for the student, additional course materials, and tuition fees.
 - c. Surveys were sent to all chartered programs to ascertain adverse impact and costs associated with training courses. The Division sponsored surveys indicated that the twenty additional hours added to the firefighter I and II curricula and testing requirements may increase tuition fees approximately \$150 to \$500 per student per course. This increase is due in part to the increase in time for instructors, course materials, and examination administration. Identifying the exact tuition costs throughout the state of Ohio drastically varies due to rate of pay for instructors, the size of the institutions, whether or not the affiliation agreement is utilized, materials used for the classes and the number of students enrolled in the program. Some students who are affiliated with a fire department may not incur any costs for the training because the department pays the costs. Attached is an estimation of the tuition cost increase.

Estimate of Student's Tuition Increase

	<i>Firefighter I Transition Course</i>	<i>Firefighter I Course</i>	<i>Firefighter II Transition Course</i>	<i>Firefighter I and II Course</i>
<i>Training Hours</i>	120 Hours	156 Hours	100 Hours	260 Hours
<i>Instructor Payroll</i>	\$800.00	\$975.00	\$700.00	\$1750.00
<i>Student Supplies and Equipment</i>	\$300.00	\$400.00	\$300.00	\$ 500.00
<i>Tuition Cost</i>	\$1100.00	\$1335.00	\$1000.00	\$2250.00
<i>Avg. of Student Tuition Increase</i>	\$6.85 per training hour	\$6.85 per training hour	\$6.85 per training hour	\$6.85 per training hour

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The FFSI Training Committee advises the Executive Director on educational and certification needs for Ohio's fire service. This committee has representation from Ohio's fire service on the committee. The committee assisted with the rule development and participated in the stakeholder meeting. The Executive Director and FFSI Training Committee have opted to follow the NFPA standards that are designed to minimize the risk and catastrophic effects of fire in the United States, as well as many other countries.

The Executive Director and the FFSI Training Committee researches and weighs the NFPA standards carefully in determining and justifying the cost to the student, fire departments, and training institutions while maintaining their focus on firefighter safety through training in Ohio. The benefit of the regulatory intent is to reduce firefighter injuries and line-of-duty deaths, improve emergency response and contribute to safer Ohio communities, which outweighs the impact of these regulations.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

Every institution is not required to instruct at all levels of fire training. OAC Chapter 4765-11 regulation does allow the training institution to instruct fire training at the level for which they have the equipment and resources to provide the training. In addition, fire departments can request reimbursement of costs through grants administered by the State Fire Marshal's Office.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The Executive Director, with advice and counsel of the FFSI Training Committee, reviews each violation on a case-by-case basis in order to ensure compliance with RC section 119.14. The FFSI Training Committee will counsel and advise the Executive Director on all disciplinary actions. Waiver of fines and penalties is at the discretion of the Executive Director. The FFSI Training Committee is obligated by RC Chapter 119. to afford individuals their due process rights when there are RC Chapter 4765. and OAC 4765-11 violations.

18. What resources are available to assist small businesses with compliance of the regulation?

OAC rule 4765-11 is supported by the Division of EMS' website, which contains a fire section that has the fire training curricula, course objectives, written testing software, practical skill sheets, testing policies and procedures, and a certification verification system, all at no cost to students or fire departments. The Division of EMS' website also makes available links to continuing education requirements, Ohio laws and rules, investigative policy and procedures. The Division of EMS

provides staff assistance via telephone, email, Ask EMS, and site visits to the chartered training programs. The Executive Director issues firefighter, fire safety inspector and instructor certifications and fire charters at no cost to the constituents and small business.