

SUBJECT: Required equipment, procedures, standards for fire departments

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 9 ayes — Carter, Bailey, Burnam, Callegari, Edwards, Ehrhardt, Hill, E. Jones, Najera

0 nays

WITNESSES: For — Ken Bailey, Texas State Association of Fire Fighters; Anthony Calagna, Texas Fire Chiefs; Lisa Ivie Miller, State Firemen’s and Fire Marshall’s Association of Texas; Randy Cain, City of Dallas City Hall; *Registering but not testifying:* Guy Turner, Texas State Association of Fire Fighters; Johnny Villarreal, Houston Fire Fighters Local 341; Steve Williams, Houston Professional Fire Fighters;

Against — None

On — *Registering but not testifying:* Jake Soteriou, Gary L. Warren, Sr. , Kelley Slalder, Texas Commission on Fire Protection

DIGEST: CSHB 2245 would require local government fire departments to provide certain equipment to their personnel and to adopt certain policies and procedures.

The bill would take effect September 1, 2001.

Protective clothing. Fire departments would be required to purchase, provide, and maintain a complete ensemble of protective clothing for each of its fire protection personnel who would be exposed to hazardous conditions from fire or other emergencies or if there is potential for such exposure. The clothing would have to be suitable for the task that was expected of the individual and would have to comply with the minimum standards of the National Fire Protection Association (NFPA). The bill would eliminate the current requirement that local governmental agencies providing fire protection provide and maintain protective clothing that meets the minimum

standards of the National Fire Protection Association or provide allowances for personnel to do so.

Fire departments would have to develop and maintain a standard operating procedure covering the proper use, selection, care, and maintenance of protective clothing.

Self-contained breathing apparatuses. The current requirement that local governments provide certain personnel with self-contained breathing apparatuses would be eliminated and fire departments would be given this responsibility. All self-contained breathing apparatuses would have to comply with the minimum standards of the NFPA, and departments would have to develop and maintain a standard operating procedure for the use and maintenance of its breathing apparatus and have the apparatuses inspected at least monthly and again annually with inspections that comply with the NFPA's minimum standards. The departments would have to have samples of air used in the apparatuses inspected every six months with quality and testing procedures established by the NFPA.

Personal alert safety systems. Departments would be required to provide personal alert safety systems that met the NFPA's minimum standards for each of its fire protection personnel who would be exposed to hazardous conditions from fires or other emergencies. Departments would have to have standard operating procedures for the use and maintenance of the personal alert safety systems.

Incident management systems, standard operating procedures. Fire departments would have to develop and maintain an incident management system that included procedures for the management of emergencies and that complied with the NFPA's minimum standards.

Departments would have to develop and maintain a standard operating procedure for personnel accountability. It would have to provide a rapid accounting of all personnel at an emergency, and all personnel would have to be trained in the system. The standard would have to comply with NFPA's minimum standards, and if the NFPA's minimum standards changed, departments would have one year to comply with the new standards.

Departments also would have to develop and use a standard operating procedure for fire protection personnel operating at emergency incidents. NFPA's minimum standards could be used as a guideline for the procedures. The standard operating procedure for structure fires would have to comply with the applicable Occupational Safety and Health Administration's final rule.

Texas Commission on Fire Protection authority. The NFPA's standards in effect when equipment was purchased would be the applicable standard, and agencies could use items that were in use or contracted for before a change in the standards unless the fire commission decided its use was an undue risk.

The commission would be required to enforce the requirements of the bill and to adopt minimum standards consistent with those of the NFPA for the equipment and procedures outlined in the bill.

The commission would be authorized to extend from one year to up to two years the time allowed for fire protection personnel who received a temporary or probationary appointment to complete a course in basic fire protection. Before granting the extension, the commission would have to receive the comments and advice of the fire fighter advisory committee.

**SUPPORTERS
SAY:**

CSHB 2245 would ensure that fire departments equipment, policies, and procedures are in line with minimum national standards. Having the proper equipment, policies and operating procedures can save property and the lives of fire fighters and victims of fire. Many departments already meet the minimum NFPA standards for equipment and policies and so would see no increase in costs. Departments would not have to increase spending to develop operating procedures that meet NFPA standards because they could adjust their operating procedures without adding personnel.

**OPPONENTS
SAY:**

CSHB 2445 could be costly to departments. Departments could have to replace equipment and adjusting operating procedures could result in a need for new personnel. For example, the fiscal note reports that according to one Travis County Emergency Service District CSHB 2445 could result in increased costs of \$300,000, about a third of their budget.

NOTES:

The committee substitute made numerous changes to the original bill including requiring the standard operating procedures for structure fires to comply with federal rules and authorizing the fire commission to grant extensions for personnel to complete a fire protection course.

The companion bill, SB 382 by Gallegos, passed the Senate on the Local and Uncontested Calendar on May 1 and has been referred to the House Urban Affairs Committee.