



OREGON OFFICE OF STATE FIRE MARSHAL
OREGON FIRE MARSHALS ASSOCIATION

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Overview

In 2003, the Governors Fire Service Policy Council created a task force to investigate complaints brought forward by the building industries related to inconsistent application of the fire code. After the investigation, the task force and council agreed that inconsistent application of the fire code is a statewide problem. The current administrative rules governing administration of fire prevention programs were formulated decades ago setting requirements for both exempt and non-exempt jurisdictions. These rules are vague and rarely enforced which has led to three serious problems:

- 1) The State Fire Marshal (SFM) was inadequately training "assistants" commensurate with the authority given them through the statute and loose permission from SFM staff. The Rhode Island SFM was sued for this very thing after the Station fire.
- 2) The liability risk was (is) high for the local officials, who, absent a scope of practice and competency standards are operating under significantly varied levels of training and certification.
- 3) Incompetent and inconsistent code administration and enforcement was widespread causing a significant frustration and cost to Oregon businesses, school districts and others.

To address these problems the State Fire Marshal is filing the second of two major revisions to our administrative rules governing local governments' administration of fire prevention programs.

2005—First Rule Revision

The first rule revision, effective Dec. 2007, raised the competency bar for fire officials who provide plan review input for fire department access/water supply and construction to the building official. It also established training on our minimum expectations of local fire officials who, by statute, are "assistants to the SFM."

2008—Second Rule Revision

The second rule revision raises the competency bar for fire officials who administer and enforce fire codes. The competency standards build on the NFPA standards for fire prevention officers.

This report is designed to provide additional clarification to Oregon's fire service regarding the proposed rule change and Fire and Life Safety Competency Recognition standards.

Background on Recognition Levels

In 2004, the Oregon Fire Marshals Association (OFMA) and Office of State Fire Marshal (OSFM) established a OFMA Implementation Committee to identify levels of authority and recognition for fire officials responsible for enforcing the state or locally adopted fire code. Chief Orr worked closely with the committee. The committee members included Kim Coxen, Gresham FES; Dan Patterson, Medford FD; Phil Sample, Lake Oswego FLS; Shannon Thorson, McMinnville FD; Mike Thrapp, Eugene Fire and EMS; Scott Weninger, Clackamas Co. FD #1. The committee also sponsored regional meetings to obtain the fire services input on the proposed recognition levels and suggestions for implementing the system.



The competency recognition levels, associated training and standards that exist today are based on the levels of recognition recommended by the OFMA Implementation Committee to Chief Orr. The committee incorporated suggestions from Oregon’s fire service obtained through the regional meetings. The State Fire Marshal has ensured that the original recommendations for competency recognition put forward by the committee have remained true to the vision of the committee.

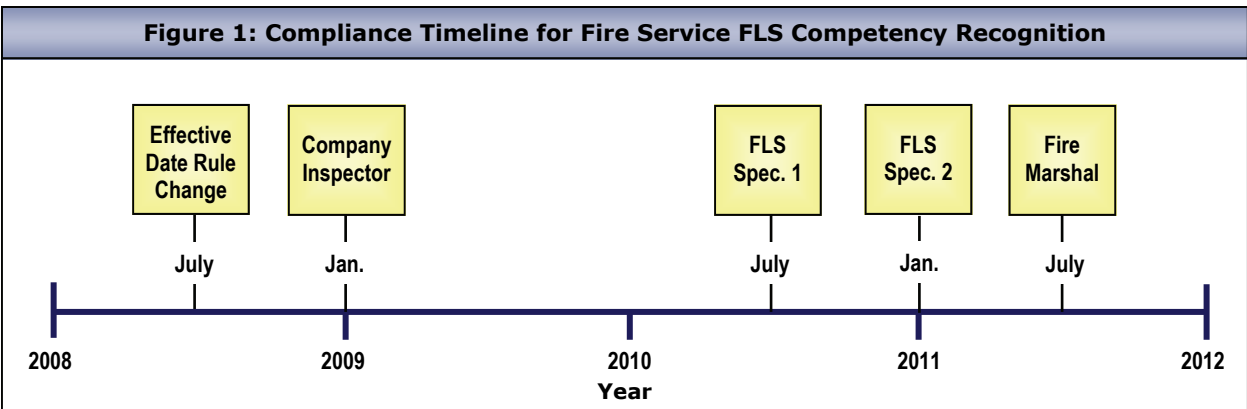
Oregon Administrative Rule (OAR) Requirements

In April of 2008, the OSFM started the permanent rulemaking process for the adoption and amendment to OAR Ch. 837, Div. 039 Administration of Fire Prevention Programs. The rule revision will require a standardization of certification and training requirements for fire code enforcement in Oregon. The OSFM is trying to reduce financial impact to Oregon’s fire service, by phasing in the rule over a period of 36 months (Figure 1).



Fire officials performing at the Company Inspector scope of practice have 6 months (January 2009) to meet compliance. It has the shortest timeline for compliance because the OSFM’s Company Inspector train-the-trainer training and curriculum has been available since May 2006. There is 24 months (July 2010) before FLS Specialist 1 has to meet compliance. The extended period of time accounts for necessary development and implementation of computer based core trainings for the Basic Mechanical Code, Building Code and Oregon Fire Code Amendment curriculum. FLS Specialist 2 has 30 months (January 2011) and Fire Marshal has 36 months to meet compliance with the rule revision.

Oregon fire departments will need to determine the level of code enforcement services that they can provide their communities.



Level of Code Enforcement Services:

Oregon fire departments will need to determine the level of code enforcement services that they can provide their communities. The Fire and Life Safety Competency Recognition standards identifies four levels of recognition. Each level of recognition has a particular scope of practice. Levels 2 through 4 scope of practice are based on NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner.

Level 1: Company Inspector

A Company Inspector conducts basic inspections using a check-list inspection form in one and two story Business Group B and Mercantile Group M occupancies with no high piled or rack storage. Company inspectors will have a high level understanding of their legal authority to conduct inspections, common fire code violations associated with Business Group B and Mercantile Group M occupancies, and the necessary steps involved in conducting a systematic inspection.



Level 2: FLS Specialist I

A Fire and Life Safety Specialist I inspects structures to ensure compliance with applicable codes, perform common complaint based inspections, identify and apply corrective action to abate code violations, apply the codes to simple/moderate processes and associated equipment and operations, assist staff and the public in code interpretation and application, prepare written documents and process permits, participate in other legal enforcement remedies, and provide court testimony.



Level 3: FLS Specialist II

A Fire and Life Safety Specialist II performs the duties of a Specialist 1 plus conducts complex complaint based inspections, identify and apply corrective action to abate code violations, apply the codes to complex processes and associated equipment and operations, recommend modifications to fire codes, initiate legal enforcement actions, provide testimony in court, recommend revisions to division policies, and assist and instruct lower-level inspectors. Ability to perform plan review to the extent occupancies can be classified, occupant loads can be computed, protection systems plans can be reviewed, and verifies compliant egress elements and construction types.



Level 4: Fire Marshal

Performs duties of a Fire and Life Safety Specialist II plus conducts and oversees inspections of highly complex facilities and operations, evaluate alternate methods of protection and compliance, evaluate emergency planning and procedures, and has a strong knowledge of the installation and testing of fire protection systems. A fire marshal must have experience in management and budget development, division policy, recommends code updates, coordinate programs and services related to fire prevention, establish staff development and mentoring programs, design records management systems, understand legal authority, processes, and limits of code enforcement.



Competency Recognition Requirements



After you determine the level of code enforcement services that you can provide, the next step is to ensure that fire officials meet the necessary training and technical certifications for their scope of practice within the allocated time frames. The following tables provides information about required trainings, state certification, and national certification for each level of competency recognition.

Training Requirements

Training Requirements	Company Inspector (Jan. 2009)	FLS Spec. 1 (July 2010)	FLS Spec. 2 (Jan. 2011)	Fire Marshal (July 2011)
Company Inspector	Yes	No	No	No
Fire & Life Safety Awareness 1	No	Yes	Yes	Yes
Fire & Life Safety Awareness 2 ¹	No	Yes	Yes	Yes
Basic Building Code	No	Yes	Yes	Yes
Basic Mechanical Code	No	Yes	Yes	Yes
OR Fire Code Amendment	No	Yes	Yes	Yes

¹ The Fire and Life Safety Awareness 2 training is not required if the fire official has a ICC Fire Plans Examiner certification.

State Certification Requirements

State Certifications	Company Inspector (Jan. 2009)	FLS Spec. 1 (July 2010)	FLS Spec. 2 (Jan. 2011)	Fire Marshal (July 2011)
DPSST's NFPA Fire Inspector 1	No	Yes	No	No
DPSST's NFPA Fire Inspector 2	No	No	Yes ¹	No
DPSST's NFPA Fire Inspector 3	No	No	No	Yes ¹

¹ Generally to obtain certification for DPSST's NFPA Fire Inspector 2 or 3 you must first be certified at the lower level. We only require that fire officials maintain their highest level of certification through DPSST.

National Certification Requirements

State Certifications	Company Inspector (Jan. 2009)	FLS Spec. 1 (July 2010)	FLS Spec. 2 (Jan. 2011)	Fire Marshal (July 2011)
ICC Fire Inspector 1	No	Yes	No	No
ICC Fire Inspector 2	No	No	Yes	Yes

¹ Generally to obtain certification for ICC's Fire Inspector 2 you must first be certified as a ICC Fire Inspector 1. We only require that fire officials maintain their highest level of certification through ICC.

Statewide Training:

The Office of State Fire Marshal is dedicated to providing the competency recognition trainings to Oregon's fire service at little to no cost. Three of the six classes (Basic Mechanical Code, Basic Building Code, and Oregon Fire Code Amendment) will be available using computer based training with on-line testing by January 2010. Four classes (Fire and Life Safety Awareness 1-2, Oregon Fire Code Amendment, and Company Inspector) are currently available in traditional classroom training.

Fire and Life Safety Awareness 1

The Fire and Life Safety Awareness (FLSA) I course provides a foundational training about Oregon Revised Statutes and Oregon's Attorney General Opinions related to the powers and duties of the State Fire Marshal (SFM) and assistants to SFM, inspection procedures, due process and investigation of fires. Additionally, fire and life safety concerns associated with Assembly Group A occupancies. The course is approximately two hours long. The Deputy State Fire Marshals (DSFM) are responsible for providing this training within their districts.



Facts March 2005—May 2008:

- March 2005 OSFM implemented FLSA I training.
- DSFM have conducted 115 classes.
- DSFM have trained over 856 fire officials.

Fire and Life Safety Awareness 2

Fire and Life Safety Awareness 2 training is comprised of two modules fire department access and water supplies and fire flows. The first module provides a foundational training about general provisions of fire department access as established in the Oregon Fire Code. The second module provides a comprehensive training about water supplies, state and national regulations pertaining to water supply and fire flows, and required number and distribution of fire hydrants. This training is approximately 3 hours long. The DSFMs are responsible for providing this training within their districts.



Facts March 2005—May 2008:

- March 2005 OSFM implemented FLSA II training
- DSFM have conducted 75 classes.
- DSFM have trained over 480 fire officials.

Company Inspector

The Company Inspector (CI) course provides fire officials with the necessary tools to conduct basic inspections in one and two story Group B and Group M occupancies with no high-piled or rack storage. The course is designed to provide a high level understanding of the legal authority to conduct inspections, common fire code violations, and the various steps involved in the inspection process. The Company Inspector course is approximately 8 hours long and broken into four modules.



Facts May 2006—May 2008:

- May 2006 OSFM implemented CI train-the-trainer
- 36 fire officials have completed the CI train-the-trainer
- These trainers have delivered the CI training to 199 fire officials

Statewide Training:

Basic Mechanical Code Training

The Basic Mechanical Code training is designed to provide a foundational understanding of mechanical exhaust systems including general requirements for exhaust systems, clothes dryer exhaust systems, domestic kitchens exhaust equipment, commercial kitchen exhaust systems, hazardous exhaust systems, and dust, stock and refuse conveying systems. This is the first computer based interactive training that the OSFM has developed.



Facts May 2007—May 2008:

- May 2007—2008 developed interactive Basic Mechanical Code training.
- April 2008 began beta testing by fire and building officials.
- July 2008 computer based training available to fire service.
- September 2009 online testing component available.

Basic Building Code Training

The Basic Building Code training is intended to provide a foundational understanding of types of construction including fire resistance rated construction, requirements for exterior walls, penetrations, concealed spaces, and requirements for existing structures. This will be the second computer based interactive training that the OSFM will develop.

Basic Building Code Training

July 2009

Facts July 2008—July 2009:

- July 2008—March 2009 develop computer based Basic Building Code training.
- April 2009 begin beta testing by fire and building officials.
- July 2009 computer based training and online testing component available to Oregon's fire service.

Oregon Fire Code Amendment Training

The Oregon Fire Code Amendment training is designed to provide a comprehensive training on Oregon's amendments to the International Fire Code. This is scheduled to be the third computer based training that the OSFM will develop. Until this training is available, the OSFM will continue to sponsor Oregon Fire Code Amendment trainings to Oregon's fire service.

Oregon Fire Code Amendment Training

January 2010

Facts July 2009—Jan. 2010:

- July 2009—November 2009 develop computer based Fire Code Amendment training.
- December 2009 begin beta testing by fire and building officials.
- January 2010 computer based training and online testing component available to Oregon's fire service

Recognition Achievement 2006-2008

The OSFM and OFMA have recognized over 250 fire officials between April 2006 and April 2008 for outstanding merit and accomplishment demonstrating the competencies identified for their scope of practice. Company Inspector certificates accounted for 78 percent (199) of all certificates awarded. The remaining 22 percent (56) of certificates were awarded for FLS Specialist 1, FLS Specialist 2 or Fire Marshal.

Number and Type of Competency Recognition Certificates Awarded 2006-2008:			
FLS Competency Recognition Level	Fire Plans Examiner		Total
	No	Yes	
Company Inspector	199	N/A	199
FLS Specialist 1	6	4	10
FLS Specialist 2	4	4	8
Fire Marshal	12	26	38
Total	255		

Company Inspector Recognition

OSFM and OFMA have recognized 199 fire officials between May 2006 and April 2008 for demonstrating the competencies to perform the duties identified for Company Inspector within the State of Oregon. Over 21 fire jurisdictions have received the OSFM's Train-the-Trainer.

Fire Jurisdiction	Staff Trained
Astoria	21
Banks Fire District #13	6
Brookings FD	2
Cape Ferrello RFPD	1
Clackamas Co Fire Dist #1 ¹	7
Columbia River F&R	1
Cornelius FD	2
Douglas Co Fire Dist #2 ¹	26
Elsie-Vinemapple RFPD	1
Forest Grove F&R ¹	19
Harbor RFPD	5

Fire Jurisdiction	Staff Trained
Jackson Co FD #3 ¹	37
Jackson Co RFPD #5	18
Keizer Fire District ¹	15
Lake Oswego F & R & Life Safety ¹	5
Myrtle Creek FD	2
Phoenix FD	9
Prospect RFPD	1
Roseburg FD ¹	18
Sixes RFPD	1
Snohomish County Fire Marshal	1
South Lane County F & R	1

¹ Fire jurisdictions that have successfully taken the OSFM's Train-the-Trainer training.

Fire and Life Safety Specialist 1 Recognition

OSFM and OFMA have recognized nine fire officials between May 2006 and April 2008 for outstanding merit demonstrating the competencies to perform the duties identified for Fire and Life Safety Specialist 1 within the State of Oregon. 40 percent of these individuals received the ICC Fire Plans Examiner Endorsement¹.

Fire Jurisdiction	No. Staff
Boardman RFPD	1
Dora-Sitkum RFPD	1
Estacada RFD #69	1
Gresham Fire & Emerg. Services ¹	1
Keizer Fire District	2

Fire Jurisdiction	No. Staff
Lane Co. Fire District #1 ¹	1
Lebanon FD	1
Polk County Fire District #1 ¹	1
Suislaw Valley Fire & Rescue ¹	1

¹ Fire jurisdictions that have a staff member who received the ICC Fire Plans Examiner endorsement.

Recognition Achievement 2006-2008

Fire and Life Safety Specialist 2 Recognition

OSFM and OFMA have recognized eight fire officials between May 2006 and April 2008 for outstanding merit demonstrating the competencies to perform the duties identified for Fire and Life Safety Specialist 2 within the State of Oregon. 50 percent of these individuals received the ICC Fire Plans Examiner Endorsement¹.

Fire Jurisdiction	No. Staff
Bend FD ¹	1
Gresham Fire & Emerg. Services ¹	1
Kingsley Field FD	1
Lake Oswego F&R&Life Safety ¹	1

Fire Jurisdiction	No. Staff
McMinnville FD	1
Office of State Fire Marshal	1
Rogue River RFPD	1
Salem FD ¹	1

¹ Fire jurisdictions that have a staff member who received the ICC Fire Plans Examiner endorsement..

Fire Marshal Recognition

OSFM and OFMA have recognized 38 fire officials between May 2006 and April 2008 for outstanding merit demonstrating the competencies to perform the duties identified for Fire Marshal within the State of Oregon. 68 percent of these individuals also received the ICC Fire Plans Examiner Endorsement¹.

Fire Jurisdiction	No. Staff
Ashland F&R ¹	1
Clackamas Co Fire Dist #1 ¹	1
Eugene Fire & EMS ¹	1
Gresham Fire & Emerg. Services	1
Hermiston Fire & Emerg. Services ¹	1
Hood River FD	1
Jackson Co FD #3	3
Lake Oswego F & R & Life Safety ¹	2
Lebanon FD ¹	1

Fire Jurisdiction	No. Staff
Medford F&R ¹	4
Office of State Fire Marshal ¹	14
Polk County Fire Dist #1	1
Portland Bureau of F & R & EMS ¹	2
Salem FD ¹	1
Springfield Fire Life Safety ¹	2
Tualatin Valley Fire & Rescue ¹	1
West Side RFPD	1

¹ Fire jurisdictions that had staff member(s) receive the Fire Marshal competency recognition with the ICC Fire Plans Examiner endorsement.

Frequently Asked Questions

Q1. Why isn't DPSST administering the competency recognition standards, they are already set up to do this sort of work?

A1. The Oregon State Fire Marshal has the statutory authority (ORS 476.030) to establish qualification for fire officials responsible for the administration and application of the fire code. DPSST does not have the statutory authority to require fire officials responsible for code enforcement to obtain Fire and Life Safety Competency Recognition, nor would the OSFM mandate that DPSST take on the additional workload of tracking ICC certifications and required trainings.

Q2. Why don't we just rely on national standards and not add the Oregon specific training related items to the individual levels?

A2. The OFMA Implementation Committee determined that the NFPA Standards for Fire Inspectors and the ICC Fire Inspector certifications were not sufficient. The committee recommended that fire officials need to successfully complete Fire and Life Safety Awareness I and II, Basic Building Code training, Basic Mechanical Code training, and Oregon Fire Code Amendment training. The State Fire Marshal continues to support the work of the Implementation Committee.

The implementation committee determined:

- Fire and Life Safety Awareness I ensures that fire officials understand Oregon law related to the State Fire Marshal and fire officials scope of authority and limits of that authority.
- Fire and Life Safety Awareness II ensures fire officials have the proper knowledge to determine fire department access, NFPA 1142 water supply, and OFC fire flows. *Note: If fire officials have their ICC Fire Plans Examiner certification they do not have to take this training.*
- The mechanical and building code component ensures that fire officials have a baseline understanding of these codes. This is important because the fire code requires code enforcement personnel to ensure portions of a building code and mechanical code be maintained. For example, the fire code does not give the background on fire resistive construction.
- Oregon Fire Code Amendment. ICC Fire Inspector certification by itself is not sufficient to ensure competence related to the state adopted code with Oregon amendments.

Q3. Is all the required training going to be made available at little or no cost?

A3. Yes, the Oregon specific training requirements are going to be made available at little to no cost to Oregon's fire service.

The OSFM is developing computer based interactive trainings with internet testing components that will be available and accessible to the fire service. The priority on developing computer based training and proposed implementation dates are Basic Mechanical Code, July 2008, Basic Building Code, October 2009, and Oregon Fire Code Amendment, December 2009. These trainings and the online testing component will be provided to the fire service at no cost.

In addition to the interactive computer based trainings, the OSFM has and will continue to provide Fire and Life Safety Awareness (FLSA) I and II and Oregon Fire Code Amendment training at no cost to the fire service. The FLSA trainings are typically provided by Deputy State Fire Marshal's within their perspective districts.

Lastly, the OSFM has been providing and will continue to provide Company Inspector Train-the-Trainer and Company Inspector training to fire departments at no cost to the fire service.

Q4. Is this not an unfunded mandate, how will the locals pay for the training if it is not provided for free?

- A4. No this is not an unfunded mandate (Oregon Constitution, Article XI, Section 15). In order to be an unfunded mandate the State Fire Marshal would have to establish a new program or require city government to provide an increased level of service to an existing program. The State Fire Marshal is not doing either of these things.

The State Fire Marshal is establishing a statewide standard (training and certifications) for fire jurisdictions that have chosen to provide code enforcement at the scope of practice of Company Inspector, Specialist I, Specialist II or Fire Marshal.

In answer to the second part of this question, the Office of State Fire Marshal is providing the required trainings to Oregon's fire service at little to no cost (see question 3).

Q5. What's with all the changes to "must" from "shall" and "will"?

- A5. The Oregon Attorney General's Office is moving away from the word "shall" and "will" in Oregon Administrative Rule. Instead they want agencies to use must or may. Since we were already in the process of revising the rule, we also took the time to update the "shall" and "will" to "must" and "may" to meet the recommendations of the Attorney General's Office.

We provided clarification on the Notice of Proposed Rulemaking Hearing as to which revisions were related to the rule adoption and amendments and those that were strictly grammatical changes to the rule. Under the "Rule Summary" it says,

"The adopted and amended rules (837-039-001, 837-039-0003, 837-039-0040, 837-039-0080 and 837-039-0120) establish statewide standards for certification and training requirements for fire officials responsible for administration and application of the fire code in Oregon."

"The amended rules (837-039-0010, 837-039-0015, 837-039-0050, 837-039-0055, 837-039-0060, 837-039-0070 and 837-039-0110) correct grammatical changes in the rule. These changes do not alter the scope, application or meaning of the rule."

Q6. What is "necessary on-the-job training experience" and "related technical instruction"?

- A6. 837-039-0120 (1)(b) "Every person who is transitioning between recognition levels or newly hired must receive the necessary on-the-job training experience and related technical instruction under the direct supervision of an appropriately recognized fire official."

This section of the rule allows the fire code official the ability to promote or hire individuals to work outside their scope of practice, under the direct supervision of a fire official recognized at that scope of practice or higher. For example, A fire inspector is currently working at the company inspector scope of practice. The fire code official promotes this individual to work at the Fire and Life Safety Specialist I scope of practice. The newly promoted inspector must work under the direct supervision of someone who is recognized as a Fire and Life Safety Specialist 1 or higher. The newly promoted individual will have 12 months to meet compliance.

Q7. What is the punitive process if a person or jurisdiction refuses or fails to comply?

- A7. Fire departments have authority to enforce the fire codes under the State Fire Marshal's (SFM) statutes. They choose the scope of practice under that authority. We are amending our rules to set specific minimum standards for specific scopes of practice, rather than continue to grant a broad, vaguely defined authority for local fire prevention programs. This better protects local jurisdictions and their personnel from tort liability action for acting outside the scope of their competence and authority. It also sets clear expectations for use of the state fire marshal's statutory authority, and it codifies the SFM's responsibility to adequately train its "assistants" commensurate with their elective scope of authority.

Currently we advise building officials that a local fire jurisdiction does or does not meet the SFM's minimum competency standards for plan review input. Similarly, we would advise the fire department's governing body - district board or city council - that their personnel are operating outside their authorized scope of practice. If the governing body chooses to do nothing, then they are accepting liability. The SFM would be protected in terms of due diligence. The Office of State Fire Marshal plans on working with Oregon's fire jurisdictions to achieve compliance, in a worse case scenario, we might revoke a fire departments identification number if they refuse to comply.

Q8. Will the Company Inspector training be available in computer based training?

- A8. There has been discussion of developing self-paced, interactive computer-based training for Company Inspector. However, use of computer-based training by itself might not be sufficient to meet the intent of the training requirements. The Company Inspection training involves the presentation of technical material to audiences that typically have not had formal education in areas of code enforcement. In an effective training program, it is critical that trainees have the opportunity to ask questions where material is unfamiliar to them.

Equally important is the use of hands-on training and exercises to provide trainees with an opportunity to become familiar with conducting an inspection including equipment and protocol. It is imperative that employees be able to perform such tasks. Traditional, training helps ensure that staff have an opportunity to learn by experience, and second, your ability to assess whether staff have mastered the necessary skills. It is unlikely that sole reliance on a computer-based training program is likely to achieve these objectives.

Q9. We have had in place a Company Inspection program within our fire jurisdiction for a number of years. Will we be required to have all of our existing Company Inspectors formally take the Office of State Fire Marshal's Company Inspection training or is there some other alternative to meet compliance with the new rule?

- A9. No your existing Company Inspectors will not need to formally take the Company Inspector training. However, they will be required to pass the Company Inspector competency examination portion of the training by January 2009 to be in compliance with the new rule requirement. If this scenario applies to your jurisdiction, please contact Mary Olson at 503-373-1540 x. 251 to learn what steps you need to take to ensure all of your existing Company Inspectors meet the competency examination requirements by January 2009.

Any fire jurisdiction that will be initiating a Company Inspection program or training new staff at the Scope of Practice for Company Inspector as of June 2008 will be required to successfully complete the Office of State Fire Marshal's Company Inspector training program. This training program is currently available in a Train-the-Trainer format for Oregon's fire service.

Q10. Is the proposed rule change necessary?

A10. The requirements are necessary – and long overdue – to appropriately manage the state fire marshal’s and your jurisdiction’s risk associated with administering the fire code to ensure the safety of the citizens we serve. Additionally, the Governor’s Fire Service Policy Council clearly established that incompetent and inconsistent application of the State fire code is a serious statewide problem.