

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 08-04-11  
Rule ID(s): 4973-4975  
File Date: 08/02/2011  
Effective Date: 01/29/2012

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	Tennessee Commission on Fire Fighting Personnel Standards and Education
<b>Division:</b>	
<b>Contact Person:</b>	Patrick W. Merkel
<b>Address:</b>	500 James Robertson Parkway, Davy Crockett Tower, 5 <sup>th</sup> Floor Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-741-2199
<b>Email:</b>	<a href="mailto:patrick.merkel@tn.gov">patrick.merkel@tn.gov</a>

**Revision Type (check all that apply):**

- ☒ Amendment  
☐ New  
☐ Repeal

**Rule(s) Revised** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0360-03-01	Classification for Full-Time & Volunteer Fire Fighters
Rule Number	Rule Title
0360-03-01-.18	Airport Firefighter

Chapter Number	Chapter Title
0360-04-01	Examinations
Rule Number	Rule Title
0360-04-01-.06	Examination Form

Chapter Number	Chapter Title
0360-06-01	Miscellaneous Certification Standards
Rule Number	Rule Title
0360-06-01-.01	Adoption by Reference

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 0360-03-01-.18 Airport Firefighter is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

**0360-03-01-.18 AIRPORT FIREFIGHTER.**

- (1) An Airport Firefighter must successfully complete all of the requirements for Fire Fighter II and Hazardous Materials Operations as prescribed in these rules and regulations and by Commission policy.
- (2) An Airport Firefighter must successfully pass an examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Paragraphs (1) and (2) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the paragraphs in their entirety and substituting the following language so that, as amended, the paragraphs shall read:

**0360-04-01-.06 EXAMINATION FORM**

- (1) The examination for Fire Fighter I shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter I as adopted in standards in Chapter 0360-06-01.
  - (a) The performance examination requirements for Fire Fighter I shall consist of all of the following:
    1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
    2. A live fire practical must be completed. One of the following options must be completed:
      - (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter I Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".
      - (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter I during a live fire training. ALL of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fifteen (15) working days notice by submitting an Application for Live Fire Training by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.
- (2) The examination for Fire Fighter II shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter II as adopted in standards in Chapter 0360-06-01.
  - (a) The performance examination requirements for Fire Fighter II shall consist of all the following:
    1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
    2. A live fire practical must be completed. One of the following options must be completed:

- (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter II Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".
- (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter II during a live fire training. All of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fifteen (15) working days notice by submitting an Application for Live Fire Training by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Paragraph (12) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the paragraph in its entirety and substituting the following language so that, as amended, the paragraph shall read:

**0360-04-01-.06 EXAMINATION FORM.**

- (12) The examination for Airport Firefighter shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Airport Firefighter as set forth in Chapter 0360-06-01.
  - (a) The performance examination requirements for Airport Firefighter shall consist of all the following:
    - 1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on the standards in NFPA 1003.
    - 2. A live fire practical must be completed. One of the following options must be completed:
      - (i) Completion of a Federal Aviation Administration training course where, at minimum, all requirements of the Commission's Airport Live Fire Verification Sheet are accomplished.
      - (ii) All of the exercises listed on the Airport Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local airport fire department's training program. An Airport Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of seventy two (72) hours prior notification of live fire exercises, either by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.
  - (b) Guidelines for Hands-On Practical and Live Burn Practical Examinations:
    - 1. No fee will be charged by the Commission for these examinations.
    - 2. Hands-on Practical regional test sites are to be established in each field representative's territory, on an as needed basis in order to meet the needs of the airport fire departments within their territories.
    - 3. Live Fire Practical Tests sites are to be established by the field representatives in conjunction with fire departments able to host this type of practical.

4. Applicants may travel out of their region to test at other test sites.
5. The Field Representative is to conduct a training seminar for evaluators prior to each practical examination to ensure the evaluator's understanding of testing procedures, grading procedures, performance criteria, and instructions on completing required paperwork. The Commission will provide the field representative with documents to be utilized during this training. Any evaluator who fails to attend this training will not be allowed to serve as an evaluator.
6. Applications to challenge the practical examination must be submitted to the Commission a minimum of two (2) weeks prior to the examination date. A minimum of fifteen (15) applicants must be scheduled in order to conduct the practical examinations; a maximum of thirty five (35) applicants can be tested per day. The Director may waive this requirement if justification exists.
7. An applicant who fails any evolution shall be notified immediately of his/her failure and will be allowed to leave the practical immediately.
8. Copies of the entire practical examination will be provided to all fire departments. A copy may also be requested by individuals from the Commission Office either by e-mail or US mail.
9. Applicants who complete the examination must remain at the host facility until the end of the day to assist in cleaning and restoring the host facility to original condition prior to receiving test results. Leaving early will result in automatic failure unless the applicant is given permission to leave by the field representative.
10. Persons who have completed their practical must remain separate from those waiting to challenge.
11. Persons waiting to challenge the practical examination must be secluded from the actual practical. Under no circumstances should an applicant waiting to challenge the practical examination be allowed to see the practicals being administered or be in contact with any individual who has completed the practical.
12. The applicant's home department must send with their personnel at least one SCBA and mask; and each applicant must bring a mask which has been fit tested to them.
13. The applicant's home department shall inspect each applicant's equipment to ensure it meets current additions of applicable safety standards. These standards include:
  - (i) NFPA 1981
  - (ii) NFPA 1971
  - (iii) NFPA 1976
  - (iv) NFPA 1977
  - (v) NFPA 1982
14. Each applicant must bring his/her own turn-out gear.
15. The host department shall provide the equipment to be used for testing, e.g. ladders, hose, etc.
16. The applicant's home department must assume liability in case of injury. A statement to this effect is included on the application which must be signed by the chief of the applicant's department.

17. The Commission will solicit individuals who are Airport Firefighter certified or individuals deemed by the Commission to be subject matter experts in the area of airport firefighting and interested in serving as evaluators, who will be required to submit their names and qualifications. This list of names will be maintained by the field representative who will rotate through the names for each examination. Individuals may add their names at any time.
18. An applicant must perform the evolutions provided. An applicant cannot discard an evolution because their department does not have the equipment specified.
19. The Commission Representative shall have the authority to adapt these guidelines to address specific life safety problems as they arise.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Subparagraph (d) of paragraph (1) of rule 0360-06-01-.01 Adoption by Reference is amended by deleting the text of the subparagraph in its entirety and substituting the following language so that, as amended, the subparagraph shall read:

**0360-06-01-.01 ADOPTION BY REFERENCE.**

- (d) 1003 Professional Qualifications for Airport Fire Fighters, 2010 edition;

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Subparagraph (j) of paragraph (1) of rule 0360-06-01-.01 Adoption by Reference is amended by deleting the text of the subparagraph in its entirety and substituting the following language so that, as amended, the subparagraph shall read:

**0360-06-01-.01 ADOPTION BY REFERENCE.**

- (j) 1035 Professional Qualifications for Public Fire and Life Safety Educator, 2010 edition;

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

\* If a roll-call vote was necessary, the vote by the Agency on these rules on March 11, 2011, was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Clarence Cash	X				
Mark Finucane	X				
Ben Harris	X				
Gerald Wakefield	X				
Matthew Sorge	X				
Charlie Vance	X				
Frank Cotton				X	
Randy Fox	X				
Michael Slay	X				

\* If a roll-call vote was necessary, the vote by the Agency on these rules on April 27, 2011, was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Clarence Cash	X				
Mark Finucane	X				
Ben Harris	X				
Gerald Wakefield	X				
Matthew Sorge	X				
Charlie Vance	X				
Frank Cotton	X				
Randy Fox	X				
Michael Slay	X				

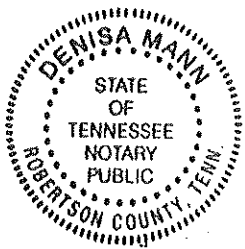
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Commission on Fire Fighting Personnel Standards and Education on 03/11/2011 and 04/27/11, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 05/25/11

Signature: *Patrick W. Merkel*

Name of Officer: Patrick W. Merkel

Title of Officer: Chief Counsel for Fire Prevention and Law Enforcement



Subscribed and sworn to before me on: 5-25-11

Notary Public Signature: *Denisa Mann*

My commission expires on: 8-24-2014

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

*Robert E. Cooper, Jr.*

Robert E. Cooper, Jr.  
Attorney General and Reporter  
6-2-11

Date

**Department of State Use Only**

Filed with the Department of State on: 8/2/11

Effective on: 1/29/12

*Tre Hargett*

Tre Hargett  
Secretary of State  
RECEIVED  
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PUBLICATIONS

### **Regulatory Flexibility Addendum**

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

This rulemaking will not impact small business.

### **Impact on Local Governments**

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The amendment should have minimal impact on local governments. The rules do not create a mandate on local governments.

### **Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rulemaking establishes the standards and examination requirements in order to obtain an Airport Firefighter certification from the Commission. This certification is not mandatory, but is specialty training for interested firefighters and their departments. The rulemaking will also clarify that the examination requirements for Firefighter I and II are to meet the appropriate NFPA 1001 standards. The amendments also update two referenced standards to the current editions.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

These rules are promulgated pursuant to Tenn. Code Ann. § 4-24-100 et seq.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rule changes will have the greatest impact on those fire departments, and the members of these departments, that participate in the Commission's programs. The establishment of the standards and examination requirements for airport firefighters was done at the request of airport fire departments in the state. The Commission is amending the Firefighter I and II examination requirements to clarify that the examinations shall prove the candidates meet the appropriate standards and remove the time requirements for the length of the examinations.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

I am unaware of any attorney general and reporter or any judicial ruling that directly relates to these rules.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The rules are expected to have minimal impact on state and local government revenues and expenditures.



- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Terry Woody, Director of the Tennessee Commission on Fire Fighting Personnel Standards and Education, has substantial knowledge and understanding of these rules.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Terry Woody will explain the rules at any scheduled meeting of the Government Operations Committee.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Beth Martin, General Counsel for the Department of Commerce and Insurance, can be reached at [Elizabeth.martin@tn.gov](mailto:Elizabeth.martin@tn.gov), 500 James Robertson Parkway, Davy Crockett Tower, 5th Floor Nashville, Tennessee 37243, (615) 741-2199.  
Terry Woody can be reached at Tennessee Commission on Fire Fighting Personnel Standards and Education, [terry.woody@tn.gov](mailto:terry.woody@tn.gov), 500 James Robertson Parkway, Davy Crockett Tower 10th Floor, Nashville, Tennessee 37243, (615) 741-6780.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

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**For Department of State Use Only**

Sequence Number: REDLINE

Rule ID(s): \_\_\_\_\_

File Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

## Proposed Rule(s) Filing Form-REDLINE

*Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	Tennessee Commission on Fire Fighting Personnel Standards and Education
<b>Division:</b>	
<b>Contact Person:</b>	Patrick W. Merkel
<b>Address:</b>	500 James Robertson Parkway, Davy Crockett Tower, 5 <sup>th</sup> Floor Nashville, TN
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**Revision Type (check all that apply):**

- ☒ Amendment  
☐ New  
☐ Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0360-03-01	Classification for Full-Time & Volunteer Fire Fighters
Rule Number	Rule Title
0360-03-01-.18	Airport Firefighter

Chapter Number	Chapter Title
0360-04-01	Examinations
Rule Number	Rule Title
0360-04-01-.06	Examination Form

Chapter Number	Chapter Title
0360-06-01	Miscellaneous Certification Standards
Rule Number	Rule Title
0360-06-01-.01	Adoption by Reference

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 0360-03-01-.18 Airport Firefighter is amended by deleting the text of the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

**0360-03-01-.18 AIRPORT FIREFIGHTER.**

- (1) An Airport Firefighter must successfully complete all of the requirements for ~~Fire-Fighter-I~~ Fire Fighter II and Hazardous Materials Operations as prescribed in these rules and regulations and by Commission policy.
- (2) An Airport Firefighter must successfully pass an examination(s) as promulgated by the Commission.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Paragraphs (1) and (2) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the paragraphs in their entirety and substituting the following language so that, as amended, the paragraphs shall read:

**0360-04-01-.06 EXAMINATION FORM**

- (1) The examination for Fire Fighter I shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter I as adopted in standards in Chapter 0360-06-01.
  - (a) The performance examination requirements for Fire Fighter I shall consist of all of the following:
    1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
    2. A live fire practical must be completed. One of the following options must be completed:
      - (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter I Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".
      - (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter I during a live fire training. ALL of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fifteen (15) working days notice by submitting an Application for Live Fire Training ~~seventy-two (72) hours prior notification of live fire exercises, either by e-mail, US mail, or fax.~~ A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.
      - (iii) ~~Completion of a Commission-administered live fire practical. The practical shall consist of completion of one (1) evolution selected at random by the Commission. If this option is used, the live fire practical must be completed after successful completion of the hands-on practical.~~

- (2) The examination for Fire Fighter II shall consist of a performance and a written examination. The subjects tested will be substantially derived from the Performance Standards for Fire Fighter II as adopted in standards in Chapter 0360-06-01.
- (a) The performance examination requirements for Fire Fighter II shall consist of all the following:
1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on and meeting the standards in NFPA 1001.
  2. A live fire practical must be completed. One of the following options must be completed:
    - (i) Completion of the Tennessee Fire Service and Codes Enforcement Academy's Firefighter II Live Burn course or Firefighter I and II Live Burn course. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination".
    - (ii) Completion of the live fire objectives in NFPA 1001 for Fire Fighter II during a live fire training. All of the exercises listed on the Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local fire department's training program. A Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of fifteen (15) working days notice by submitting an Application for Live Fire Training ~~seventy-two (72) hours prior notification of live fire exercises, either by e-mail, US mail, or fax.~~ A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.
    - ~~(iii) Completion of a Commission-administered live fire practical. The practical shall consist of completion of one (1) evolution selected at random by the Commission. If this option is used, the live fire practical must be completed after successful completion of the hands-on practical.~~

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Paragraph (12) of rule 0360-04-01-.06 Examination Form is amended by deleting the text of the paragraph in its entirety and substituting the following language so that, as amended, the paragraph shall read:

**0360-04-01-.06 EXAMINATION FORM.**

- (12) The examination for Airport Firefighter shall consist of a performance and a written examination. The subjects tested shall be substantially derived from the performance standards for Airport Firefighter as set forth in Chapter 0360-06-01.
- ~~(a) The performance examination for Airport Fire Fighters shall be promulgated by the Commission utilizing the standards outlined in NFPA 1003.~~
- (a) The performance examination requirements for Airport Firefighter shall consist of all the following:
1. A hands-on performance/practical administered on a regional basis. This practical shall be developed by the Commission based on the standards in NFPA 1003.
  2. A live fire practical must be completed. One of the following options must be completed:
    - (i) Completion of a Federal Aviation Administration training course where, at minimum, all requirements of the Commission's Airport Live Fire Verification Sheet are accomplished.

(ii) All of the exercises listed on the Airport Live Fire Suppression Verification Sheet for the appropriate level must be completed through the local airport fire department's training program. An Airport Live Fire Suppression Verification Form must be completed and attached to the "Application for Written Examination". The department must provide the Commission with a minimum of seventy two (72) hours prior notification of live fire exercises, either by e-mail, US mail, or fax. A Commission member or staff may witness any live fire exercises conducted by a fire department. This option must be completed during a training exercise; no working fires can be utilized for this option.

(b) Guidelines for Hands-On Practical and Live Burn Practical Examinations:

1. No fee will be charged by the Commission for these examinations.
2. Hands-on Practical regional test sites are to be established in each field representative's territory, on an as needed basis in order to meet the needs of the airport fire departments within their territories.
3. Live Fire Practical Tests sites are to be established by the field representatives in conjunction with fire departments able to host this type of practical.
4. Applicants may travel out of their region to test at other test sites.
5. The Field Representative is to conduct a training seminar for evaluators prior to each practical examination to ensure the evaluator's understanding of testing procedures, grading procedures, performance criteria, and instructions on completing required paperwork. The Commission will provide the field representative with documents to be utilized during this training. Any evaluator who fails to attend this training will not be allowed to serve as an evaluator.
6. Applications to challenge the practical examination must be submitted to the Commission a minimum of two (2) weeks prior to the examination date. A minimum of fifteen (15) applicants must be scheduled in order to conduct the practical examinations; a maximum of thirty five (35) applicants can be tested per day. The Director may waive this requirement if justification exists.
7. An applicant who fails any evolution shall be notified immediately of his/her failure and will be allowed to leave the practical immediately.
8. Copies of the entire practical examination will be provided to all fire departments. A copy may also be requested by individuals from the Commission Office either by e-mail or US mail.
9. Applicants who complete the examination must remain at the host facility until the end of the day to assist in cleaning and restoring the host facility to original condition prior to receiving test results. Leaving early will result in automatic failure unless the applicant is given permission to leave by the field representative.
10. Persons who have completed their practical must remain separate from those waiting to challenge.
11. Persons waiting to challenge the practical examination must be secluded from the actual practical. Under no circumstances should an applicant waiting to challenge the practical examination be allowed to see the practicals being administered or be in contact with any individual who has completed the practical.
12. The applicant's home department must send with their personnel at least one SCBA and mask; and each applicant must bring a mask which has been fit tested to them.

13. The applicant's home department shall inspect each applicant's equipment to ensure it meets current additions of applicable safety standards. These standards include:
  - (i) NFPA 1981
  - (ii) NFPA 1971
  - (iii) NFPA 1976
  - (iv) NFPA 1977
  - (v) NFPA 1982
14. Each applicant must bring his/her own turn-out gear.
15. The host department shall provide the equipment to be used for testing, e.g. ladders, hose, etc.
16. The applicant's home department must assume liability in case of injury. A statement to this effect is included on the application which must be signed by the chief of the applicant's department.
17. The Commission will solicit individuals who are Airport Firefighter certified or individuals deemed by the Commission to be subject matter experts in the area of airport firefighting and interested in serving as evaluators, who will be required to submit their names and qualifications. This list of names will be maintained by the field representative who will rotate through the names for each examination. Individuals may add their names at any time.
18. An applicant must perform the evolutions provided. An applicant cannot discard an evolution because their department does not have the equipment specified.
19. The Commission Representative shall have the authority to adapt these guidelines to address specific life safety problems as they arise.

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Subparagraph (d) of paragraph (1) of rule 0360-06-01-.01 Adoption by Reference is amended by deleting the text of the subparagraph in its entirety and substituting the following language so that, as amended, the subparagraph shall read:

**0360-06-01-.01 ADOPTION BY REFERENCE.**

- (d) 1003 Professional Qualifications for Airport Fire Fighters, 2005 2010 edition;

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

Subparagraph (j) of paragraph (1) of rule 0360-06-01-.01 Adoption by Reference is amended by deleting the text of the subparagraph in its entirety and substituting the following language so that, as amended, the subparagraph shall read:

**0360-06-01-.01 ADOPTION BY REFERENCE.**

- (j) 1035 Professional Qualifications for Public Fire and Life Safety Educator, 2005 2010 edition;

Authority: T.C.A. §§ 4-24-101, 4-24-106(4), 4-24-107(3) and 4-24-110.

\* If a roll-call vote was necessary, the vote by the Agency on these rules on March 11, 2011, was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Clarence Cash	X				
Mark Finucane	X				
Ben Harris	X				
Gerald Wakefield	X				
Matthew Sorge	X				
Charlie Vance	X				
Frank Cotton				X	
Randy Fox	X				
Michael Slay	X				

\* If a roll-call vote was necessary, the vote by the Agency on these rules on April 27, 2011, was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Clarence Cash	X				
Mark Finucane	X				
Ben Harris	X				
Gerald Wakefield	X				
Matthew Sorge	X				
Charlie Vance	X				
Frank Cotton	X				
Randy Fox	X				
Michael Slay	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Commission on Fire Fighting Personnel Standards and Education on 03/11/2011 and 04/27/11, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Patrick W. Merkel

Title of Officer: Chief Counsel for Fire Prevention and Law Enforcement

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Robert E. Cooper, Jr.  
Attorney General and Reporter

\_\_\_\_\_  
Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State



### **Regulatory Flexibility Addendum**

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

This rulemaking will not impact small business.

### **Impact on Local Governments**

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The amendment should have minimal impact on local governments. The rules do not create a mandate on local governments.

### **Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rulemaking establishes the standards and examination requirements in order to obtain an Airport Firefighter certification from the Commission. This certification is not mandatory, but is specialty training for interested firefighters and their departments. The rulemaking will also clarify that the examination requirements for Firefighter I and II are to meet the appropriate NFPA 1001 standards. The amendments also update two referenced standards to the current editions.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

These rules are promulgated pursuant to Tenn. Code Ann. § 4-24-100 et seq.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rule changes will have the greatest impact on those fire departments, and the members of these departments, that participate in the Commission's programs. The establishment of the standards and examination requirements for airport firefighters was done at the request of airport fire departments in the state. The Commission is amending the Firefighter I and II examination requirements to clarify that the examinations shall prove the candidates meet the appropriate standards and remove the time requirements for the length of the examinations.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

I am unaware of any attorney general and reporter or any judicial ruling that directly relates to these rules.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The rules are expected to have minimal impact on state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Terry Woody, Director of the Tennessee Commission on Fire Fighting Personnel Standards and Education, has substantial knowledge and understanding of these rules.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Terry Woody will explain the rules at any scheduled meeting of the Government Operations Committee.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Beth Martin, General Counsel for the Department of Commerce and Insurance, can be reached at [Elizabeth.martin@tn.gov](mailto:Elizabeth.martin@tn.gov), 500 James Robertson Parkway, Davy Crockett Tower, 5th Floor Nashville, Tennessee 37243, (615) 741-2199.  
Terry Woody can be reached at Tennessee Commission on Fire Fighting Personnel Standards and Education, [terry.woody@tn.gov](mailto:terry.woody@tn.gov), 500 James Robertson Parkway, Davy Crockett Tower 10th Floor, Nashville, Tennessee 37243, (615) 741-6780.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.