



Michigan Association of Fire Chiefs

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September 1, 2020

Michigan Department of Licensing and Regulatory Affairs
Regulatory Affairs Officer

Ref: Firefighter Training Rules, 2019-21LR

Over the last 2 years, many members of the Michigan Association of Fire Chiefs have been active participants in the process to update the Fire Fighters Training Council General Rules both during training council meetings and among meetings within our association. During this time, we have been actively engaged with the process and hope to continue that involvement as these Rules move closer to approval.

As we continue to review the proposed document, we would like to communicate some concerns that we see with the proposed rules as they are written on August 11, 2020. All of these concerns have been addressed with the Michigan Firefighter Training Council on multiple occasions. However, this document was originally seven pages in length and many concerns were addressed. We believe the following items have not been adequately addressed.

1. In-State Fire Service Member Reciprocity Recognition for Credentialing.

- Public Act 291 - The state fire marshal, with the approval of a majority of the council, shall develop and administer certification examinations, testing procedures, and reciprocity recognition for credentialing in the various fire service disciplines recognized under this act. The requirements for each fire service discipline must meet the respective professional qualifications in the current and appropriate National Fire Protection Association standard.
- Proposed General Rules - As currently written, the rules are not equal to all Pro Board agencies in the State. The current rules R29.404 state that, after the effective date of these rules, a memorandum of understanding (MOU) will be maintained between the bureau and the third party approved Pro Board® organization for the bureau to administer certification exams for all Pro Board® courses in Michigan. (a) All Pro Board® courses will be entered in the bureau's training information network prior to the start date of the course and follow the bureau's rules and procedures. (b) Any individual of a fire department or public safety department may apply and pay a fee to the third-party approved Pro Board® agency to receive Pro Board® certification (in addition to bureau certification) obtained by passing a bureau's certification exam. (c) Any individual with a MFFTC certification as company officer I and II series, fire officer I, II and

III, fire instructor I, or fire instructor II prior to the effective date of these rules, may apply and pay a fee to the third-party approved Pro Board® agency to challenge the Pro Board® exam for fire fighter I, II, or fire fighter I and II, and fire officer I, II, III or fire instructor I and II. (d) Any individual with a RAFT certification as fire officer I or fire officer II prior to January 1, 2016 may apply and pay a fee to the third-party approved Pro Board® agency to challenge the Pro Board® exam for fire officer I and II.

- The Concern - The proposed rules as written create a scenario that the Bureau of Fire Services now have to establish a MOU to administer the certification examinations for Hazardous Materials Technician and Fire Investigator which MSP is the Pro-Board agency for these disciplines. They would also have to establish MOU to administer the certification examinations for Fire Inspector which NFPA is the Pro-Board agency in this State. They would also have to establish a MOU to administer certification examinations for Firefighter I & II, Fire Instructor and Fire Officer which Regional Alliance for Fire Training (RAFT) is the Pro-Board agency for these.

If MOU's are NOT established with each Pro-Board certifying organization, then the proposed Rules are treating certain certifying organizations differently than others.

This just needs to be simple reciprocity; a recognition by organizations or institutions of the validity of licenses or privileges granted by the other. The State would recognize and offer reciprocity to any individual holding or obtaining a certification from a nationally recognized accredited organization that meets the NFPA Standard at the time of issue.

- The Request - The Michigan Association of Fire Chiefs believes the rules need to be compliant with Public Act 291 and consistent with the intent of the Michigan Fire Service Coalition, who developed the bill. We request the MFFTC recognize courses successfully completed from nationally recognized organizations such as Pro Board, International Fire Service Accreditation Congress (IFSAC), and National Fire Academy (NFA), for all fire service disciplines and not apply special rules to certain organizations. We request that Rule 29.404 be eliminated and simply follow the law allowing any course that is validated to meet the standard be accepted.

2. Continuing Education Requirements

- Public Act 291 - The standards established under this section must comply with the Michigan Occupational Safety and Health Administration (MIOSHA) general industry safety standard, R 408.17411 of the Michigan Administrative Code. Under the direction of the state fire marshal, the council **may** establish continuing education requirements for maintaining certification under this act.

- Proposed General Rules - An individual who is a member of a recognized fire or public safety department, currently holding MFFTC certification, regardless of his or her rank, responsibilities, or certifications, shall obtain a minimum of 36 hours during the 3-year cycle, with a minimum of 6 hours per year, in firefighting knowledge and practical skills consistent with the most current edition of NFPA1001, as adopted by reference in R29.410.
- The Concern - The proposed rules are required to comply with MIOSHA General Industry Safety Standard, R 408.17411 of the Michigan Administrative Code. The proposed rules include a minimum number of hours for continuing education that are not defined by MIOSHA. The fact that a set number of hours is being proposed could potentially set a department up for failure if a MI-OSHA inspection/investigation were to occur due to an incident. A department would say we met the twelve hours annually set forth by the MFFTC, but MI-OSHA determines that to be inadequate. The number of hours used is a low average of a very wide variance, and varying wider in application to individual agencies across the State. This measurement tool is arbitrary and inappropriate. In addition, it has been the position of Council that the Michigan fire service asked for this. However, the question was not "how would you like to measure this", the question that was posed by the State Fire Marshal at several townhall meetings was "how many hours do you think would be appropriate". We continue to believe that training should be competency based, specific to the duties expected to perform, not by a minimum number of hours, potentially creating a conflict.
- The Request - The Michigan Association of Fire Chiefs agree firefighters in Michigan should receive and document continuing education to ensure they are maintaining skills. We request the MFFTC recognize the need for fire and public safety departments to provide continuing education commensurate and specific to each department's duties, which meet MIOSHA requirements without stipulating hours or subject matter.

3. Course Attendance Requirement


- Public Act 291 - The state fire marshal, with the approval of a majority of the council, shall develop and administer certification examinations that include a practical demonstration and a written or oral test to determine a person's competency in regard to the knowledge and skill requirements in the current edition of the National Fire Protection Association standards for each of the fire service disciplines recognized under this act.
- Proposed General Rules - Multiple areas of the proposed rules include language stating a fire service member shall participate in a state course prior to taking an examination to become certified in that discipline.

- The Concern - The ability to ensure that a fire service member has achieved the necessary knowledge and skills identified in each NFPA professional qualification standard identified under Public Act 291.
- The Request - The Michigan Association of Fire Chiefs is in full support of the MFFTC and Bureau of Fire Services (BFS) ensuring that each and every fire service member meets the necessary requisite knowledge and skills identified in each professional qualification standard. This is accomplished by successful demonstration of requisite skills and a written or oral examination that evaluates/tests a fire service member's competency in relation to the applicable standard. The standard does not speak to mandatory attendance at a course or require attending a certain number of hours. While the traditional method is easy to fall back on, it is not the only way. In fact, there are a variety of ways students can be successful at achieving competency. To artificially limit how someone accomplishes the same objective(s) is unnecessary and detrimental. A fire service member reviewing the material on their own, with trained personnel in their department or by attending a college class or program are all ways in which they could gain the requisite knowledge and skills to successfully demonstrate competency in compliance with the referenced standard.

The MAFC is not advocating for the non-attendance at a class, rather we are stating that there are many variables related how an individual may obtain the necessary information to be successful on the cognitive and performance examinations to be considered minimally competent per the NFPA standard.

The Michigan Association of Fire Chief's realizes the difficult and daunting task that the rules process is, and the amount of time and effort that the MFFTC has put into this process. By addressing these three items, this would be a solid, acceptable document. If you have any follow up questions, please feel free to reach out to me to discuss.

Thank you,



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