

PART 438

NEW YORK STATE FIRE TRAINING PROGRAM - MINIMUM STANDARDS

(Statutory Authority: Executive Law, §156(6))

Sec.

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438.1 Purpose

Subdivision 6 of section 156 of the Executive Law, as amended by chapter 615 of the Laws of 2006, empowers the State Fire Administrator to plan, coordinate, and provide training related to fire and arson prevention and control for firefighters, both paid and volunteer, and related governmental officers and employees. Subdivision 6 directs the Office of Fire Prevention and Control to adopt rules and regulations relating to such training, including but not limited to training standards used, the process by which training hours will be allocated to counties, and the establishment of a uniform procedure for counties to request and the Office of Fire Prevention and Control to provide additional training hours. This Part implements these requirements.

438.2 Definitions

As used in this Part:

(a) "County fire coordinator" shall mean the person appointed by a county pursuant to section 225-a of the County Law.

(b) "County fire instructor" shall mean a person meeting the requirements of this Part, designated by a county fire coordinator and authorized by the State Fire Administrator to conduct instruction of designated state fire training courses.

(c) "Fire brigade" shall mean a federal or military fire department, New York State or county agency or authority with fire protection responsibilities, airport fire department, or industrial fire department which has been authorized by the State Fire Administrator to participate in the state fire training program.

(d) "Fire brigade training instructor" shall mean an employee of a fire brigade meeting the requirements of this Part, designated by the employer of the fire brigade and authorized by the State Fire Administrator to conduct instruction of designated state fire training courses.

(e) "Fire Brigade Training Program" shall mean the delivery of designated state fire training courses by fire brigade training officers or fire brigade training instructors.

(f) "Fire brigade training officer" shall mean an employee of a fire brigade meeting the requirements of this Part, designated by the employer of the fire brigade and authorized by the State Fire Administrator to coordinate, administer, and conduct instruction of designated state fire training courses.

(g) "Fire protection specialist" shall mean a full time employee of the Department of State holding a civil service fire protection specialist I, II, or III title.

(h) "Live fire training" shall mean training which utilizes an unconfined open flame or device that can propagate fire to a building or other combustible materials.

(i) "Municipal fire instructor" shall mean a person meeting the requirements of Part 426 of this title, designated by a city, village or fire district fire department employing six or more permanent firefighters for delivery of firefighter training.

(j) "Municipal training officer" shall mean a person meeting the requirements of Part 426 of this title, designated by a city, village or fire district fire department employing six or more permanent firefighters for administration and delivery of firefighter training.

(k) "Municipal Training Program" shall mean a training program of a city, village or fire district fire department employing six or more permanent firefighters meeting the requirements of Parts 426 and 427 of this title.

(l) "Outreach Training Program" shall mean fire training courses conducted by the Office of Fire Prevention and Control or its designated representatives at local fire training facilities scheduled and conducted in accordance with training hours allocated to counties.

(m) "Regional Training Program" shall mean specialized training delivered by the Office of Fire Prevention and Control or its designated representatives at local facilities.

(n) "Residential Training Program" shall mean training delivered by the Office of Fire Prevention and Control or its designated representatives at the New York State Academy of Fire Science.

(o) "Respiratory protection" shall mean self-contained breathing apparatus, supplied air

respirators, or air-purifying respirator.

(p) "State fire instructor" shall mean an occasional non-tenured employee of the Department of State paid on a fee basis for services rendered.

(q) "State fire training course" shall mean a specific training course developed, hosted, sponsored, or delivered by the Office of Fire Prevention and Control or its designated representatives.

(r) "State Fire Training Program" shall mean the delivery of state fire training courses by the Office of Fire Prevention and Control or its designated representatives.

(s) "Subject matter specialist" shall mean an individual, hired by the Department of State, to teach, instruct, deliver, or lecture special or advanced level subject material, as part of the state fire training program.

(t) "Supplemental Training Program" shall mean the conduct of designated state fire training courses by a county.

(u) "Training authorization letter" shall mean a form prescribed by the Office of Fire Prevention and Control requiring certification by a chief officer or agency head that a person attending a fire training course requiring the use of respiratory protection equipment meets the medical fitness requirements prescribed by 29 C.F.R. § 1910.134, and if the person attending a fire training course is 16 or 17 years of age, requiring certification by a chief officer or agency head and parental permission to attend any state fire training course.

#### 438.3 Training Standards

(a) Instructor qualifications.

(1) Fire protection specialists and state fire instructors shall meet the requirements of a Fire Instructor Level I as prescribed in section 426.4 of this title, and:

(i) shall possess the physical ability and dexterity to perform the firefighter training tasks contained in the curriculum for state fire training courses which they are authorized to instruct;

(ii) shall meet the medical fitness requirements for wearing respiratory protection equipment prescribed in 29 C.F.R. § 1910.134.

Documentation of fitness shall be on a form specified by the Office of Fire Prevention and Control, signed by a licensed physician stating that the individual can use specified respiratory protection equipment, and state the date of the exam and the date when a subsequent exam is required; and

(iii) shall maintain fitness to wear respiratory protection equipment in accordance with 29 C.F.R. § 1910.134 for the term of their employment.

(2) State fire instructors authorized to conduct regional fire training program courses may meet the requirements of special instructor pursuant to section 426.4(d) of this title in lieu of meeting the requirements of a Fire Instructor Level I.

(3) State fire instructors may be granted an exemption from (ii) and (iii) of Subpart 1 based on specific course delivery needs within an assigned county as determined and authorized by the State Fire Administrator.

(4) Municipal training officers shall meet the qualifications set forth in section 426.4 of this title, and commensurate with their specific instructional duties:

(i) shall possess the physical ability and dexterity to perform the firefighter training tasks contained in the curriculum for state fire training courses which they are authorized to instruct, and

(ii) shall meet the medical fitness requirements for wearing respiratory protection equipment prescribed in 29 C.F.R. § 1910.134 if they are authorized to conduct state fire training courses which require the use of respiratory protection equipment. Documentation shall be submitted to the Office of Fire Prevention and Control upon request.

(5) Municipal fire instructors shall meet the qualifications set forth in section 426.4 of this title, and commensurate with their specific instructional duties:

(i) shall possess the physical ability and dexterity to perform the firefighter training tasks contained in the curriculum for state fire training courses which they are authorized to instruct, and

(ii) shall meet the medical fitness requirements for wearing respiratory protection equipment prescribed in 29 C.F.R. § 1910.134 if they conduct state fire training courses which require the use of respiratory protection equipment. Documentation shall be submitted to the Office of Fire Prevention and Control upon request.

(6) County fire instructors shall meet the requirements of a Fire Instructor Level I as prescribed in section 426.4 of this title, and commensurate with their specific instructional duties:

(i) shall possess the physical ability and dexterity to perform the firefighter training tasks contained in the curriculum for state fire training courses which they are authorized to instruct, and

(ii) shall meet the medical fitness requirements for wearing respiratory protection equipment prescribed in 29 C.F.R. § 1910.134 if they conduct state fire training courses which require the use of respiratory protection equipment. Documentation shall be submitted to the Office of Fire Prevention and Control upon request.

(7) Fire brigade training officers shall meet the requirements of a Level II instructor as prescribed in section 426.4 of this title, and commensurate with their specific instructional duties:

(i) shall possess the physical ability and dexterity to perform the firefighter training tasks contained in the curriculum for state fire training courses which they are authorized to instruct, and

(ii) shall meet the medical fitness requirements for wearing respiratory protection equipment prescribed in 29 C.F.R. § 1910.134 if they conduct state fire training courses which require the use of respiratory protection equipment. Documentation shall be submitted to the Office of Fire Prevention and Control upon request.

(8) Fire brigade training instructors shall meet the requirements of a Fire Instructor Level I prescribed in section 426.4 of this title, and commensurate with their specific instructional duties:

(i) shall possess the physical ability and dexterity to perform the firefighter training tasks contained in the curriculum for state fire training courses which they are authorized to instruct, and

(ii) shall meet the medical fitness requirements for wearing respiratory protection equipment prescribed in 29 C.F.R. § 1910.134 if they conduct state fire training courses which require the use of respiratory protection equipment. Documentation shall be submitted to the Office of Fire Prevention and Control upon request.

(9) Instructors shall only instruct those courses for which they are authorized by the Office of Fire Prevention and Control.

(10) Authorization to instruct courses will be granted upon successful completion of a training program conducted by the Office of Fire Prevention and Control. Instructors must successfully pass all evaluations and tests pertaining to a specific course in order to receive authorization to instruct that course. The costs of attending such training by municipal training officers, municipal fire instructors, county fire instructors, fire brigade training officers, and fire brigade fire instructors are not the responsibility of the Office of Fire Prevention and Control.

(11) Commencing January 1, 2009, the authorization to instruct a specific state fire training courses will be valid for a period of five years.

(12) Subject Matter Specialists shall possess specialized knowledge, skill or abilities; possess an advanced degree; professional license; or possess specialized technical expertise in the subject matter he or she will be instructing, as determined by the State Fire Administrator. Subdivisions (9), (10), and (11) do not apply to subject matter specialists.

(b) Student requirements.

(1) Students participating in state fire training courses must: be covered by Workers Compensation Law, General Municipal Law section 207-a, Volunteer Firefighters Benefit Law, or Volunteer Ambulance Workers Benefit Law; have authorization or be designated to attend the training from their employer; and provide such proof upon request of the instructor.

(2) Out-of-state students participating in state fire training courses must provide proof of workers compensation and authorization or designation from their employer to attend such training to the instructor at the commencement of the course.

(3) Students participating in state fire training courses involving the use of respiratory protection equipment shall submit a completed training authorization letter signed by a chief officer or agency head and by the student acknowledging compliance with 29 C.F.R. § 1910.134. The letter must be submitted to the instructor at registration for the first class session of any course requiring the use of respiratory protection. A training authorization letter must be submitted for each course attended. Firefighters subject to the requirements of Part 426 of this title are exempt from submitting a training authorization letter when they attend courses conducted by their own fire department.

(4) A student who does not submit a completed training authorization letter shall not participate in any evolution or course session requiring the use of respiratory protection and shall not receive credit for that session.

(5) The following training courses require the use of respiratory protection equipment:

- (i) Firefighter I;
- (ii) Firefighter II;
- (iii) Firefighter Survival;
- (iv) Firefighter Assist and Search (FAST);
- (v) Truck Company Operations;

- (vi) SCBA Confidence;
- (vii) Confined Space Rescue;
- (viii) Passenger Train Rescue;
- (ix) Hazardous Materials Technician/Specialist;
- (x) Recruit Firefighter Training;
- (xi) Flammable Gas Emergency Response Workshop; and
- (xii) Any revised, new or future training courses requiring the use of respiratory protection in accordance with 29 C.F.R. § 1910.134 as determined by the Office of Fire Prevention and Control.

(6) Students age sixteen and seventeen years participating in any state fire training courses must meet all requirements for attendance and submit a completed training authorization letter signed by a parent or legal guardian indicating permission to participate in the training course. The letter shall be submitted to the instructor at registration for the first class. A training authorization letter must be submitted for each course attended.

(7) Students with facial hair that interferes with the face piece seal for respiratory protection shall not participate in any training function requiring respiratory protection.

(8) Students attending state fire training courses shall meet the course prerequisites established in the Office of Fire Prevention and Control's training catalog.

(c) Live fire training evolutions will be conducted in conformance with National Fire Protection Association Standard 1403, Standard on Live Fire Training Evolutions, 2007 Edition, and the Office of Fire Prevention and Control Live Fire Policy.

(1) Live fire evolutions shall only be conducted as permitted in the state fire training course curriculum.

(2) All instructors conducting live fire training evolutions shall have successfully completed the Live Fire Training Authorization course, Live Fire Safety Training course, and Conducting Live Fire Training Evolutions course conducted by the Office of Fire Prevention and Control.

(3) Live fire evolutions are limited to a fuel load specified in the Office of Fire Prevention and Control Live Fire Policy.

(4) An adequate water supply to extinguish any and all fires and support a back up line shall be available. An adequate water supply is defined as follows:

- (i) one attack line @ 120 Gallon Per Minute (GPM), 1 backup line @ 120 GPM, 1 safety backup line @ 120 GPM for a total flow minimum of 360

GPM for 10 minutes equaling a minimum total water supply of 3,600 gallons from static sources, water tenders (tankers) or two hydrants with a water flow of at least 500 GPM.

(ii) The attack line shall have a different water source than the backup or safety lines. Acceptable examples of this are two engines drafting from the same static water source or two engines supplied from two different hydrants.

(5) Live fire training lessons shall have the minimum number of instructors required in the Office of Fire Prevention and Control's curriculum.

(6) Acquired structures shall not be used for live fire training evolutions in courses delivered by the Office of Fire Prevention and Control unless specifically authorized by the State Fire Administrator.

(7) Live fire training burn facilities shall meet the following:

(i) buildings shall be designed for such use: all components of the building used shall be in good structural condition, the building used shall be maintained, and the systems (parts: window shutters, walls, hand rails, etc.) shall not be compromised;

(ii) buildings must be able to be vented quickly in the event of an emergency, including proper procedures and personnel to carry out the emergency vent;

(iii) buildings shall have adequate emergency escape routes in the event of an emergency; and

(iv) vehicles shall not be used to simulate a building.

(8) State fire instructors, municipal training officers and instructors, county fire instructors and fire brigade fire training officers and instructors shall notify the Office of Fire Prevention and Control prior to all live fire training evolutions conducted as part of the state fire training program. This notification shall be on a form prescribed by the Office of Fire Prevention and Control and shall be forwarded to the Office of Fire Prevention and Control at least 14 calendar days prior to the commencement of the live fire training.

(9) Fire protection specialists, state fire instructors, municipal training officers and instructors, county fire instructors and fire brigade fire training officers and instructors shall review and complete the live fire evolution checklist provided by the Office of Fire Prevention and Control prior to the start of each live fire evolution conducted as part of a state fire training program. The completed checklist must be forwarded to the Office of Fire Prevention and Control within 7 calendar days of the completion of the training.



(d) The following standards, manuals, statutes and regulations will be used, in part or in whole, to develop the training authorized by subdivision 6 of section 156 of the Executive Law. These materials are available for public inspection at the Department of State, Office of Fire Prevention and Control, 99 Washington Ave., Suite 500, Albany, New York 12231-0001.

19 NYCRR Part 426 Minimum Standards for Firefighting Personnel in the State of New York

19 NYCRR Part 427 Minimum Standards for Firefighting Personnel in the State of New York – Administrative Procedures

23 C.F.R. § 655.601 Traffic Control Devices on Federal-Aid and Other Streets and Highways, effective January 22, 2008.

29 C.F.R. § 1910.120 Hazardous Materials, Hazardous Waste Operations and Emergency Response, effective April 3, 2006.

29 C.F.R. § 1910.134 Personal Protective Equipment, Respiratory Protection, effective November 22, 2006.

29 C.F.R. § 1910.146 General Environmental Controls, Permit-required confined spaces, effective January 1, 2007.

29 C.F.R. § 1910.156 Fire Protection, Fire Brigades, effective January 1, 2007.

29 C.F.R. § 1910.1030 Toxic and Hazardous Substances, Bloodborne Pathogens, effective April 3, 2006.

New York State Vehicle & Traffic Law

NFPA 472 Standard for Professional Competence of Responders to Hazardous Materials Incidents, 2002 Edition

NFPA 600 Standard on Industrial Fire Brigades, 2005 Edition

NFPA 921 Fire and Explosion Investigations, 2004 Edition

NFPA 1001 Fire Fighter Professional Qualifications, 2002 Edition

NFPA 1002 Standard on Fire Apparatus Driver/Operator Professional Qualifications, 2003 Edition

NFPA 1003 Standard for Airport Fire Fighter Professional Qualifications, 2005 Edition

- NFPA 1006 Standard for Rescue Technician Professional Qualifications, 2003 Edition
- NFPA 1021 Standard for Fire Officer Professional Qualifications, 2003 Edition
- NFPA 1033 Standard for Professional Qualifications for Fire Investigator, 2003 Edition
- NFPA 1041 Standard for Fire Service Instructor Professional Qualifications, 2002 Edition
- NFPA 1051 Standard for Wildland Fire Fighter Professional Qualifications, 2002 Edition
- NFPA 1061 Standard for Professional Qualifications for Public Safety Telecommunicator, 2002 Edition
- NFPA 1081 Standard for Industrial Fire Brigade Member Professional Qualifications, 2007 Edition
- NFPA 1145 Guide for the Use of Class A Foams in Manual Structural Fire Fighting, 2006 Edition
- NFPA 1403 Standard on Live Fire Training Evolutions, 2007 Edition
- NFPA 1410 Standard on Training for Initial Emergency Scene Operations, 2005 Edition
- NFPA 1451 Standard for a Fire Service Vehicle Operations Training Program, 2002 Edition
- NFPA 1500 Standard on Fire Department Occupational Safety and Health Program, 2002 Edition
- NFPA 1521 Standard for Fire Department Safety Officer, 2002 Edition
- NFPA 1561 Standard on Emergency Services Incident Management System, 2005 Edition
- NFPA 1670 Standard on Operations and Training for Technical Search and Rescue Incidents, 2004 Edition

NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2004 Edition

NFPA 1720 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments, 2004 Edition

NFPA 1901 Standard for Automotive Fire Apparatus, 2003 Edition

NFPA 1906 Standard for Wildland Fire Apparatus, 2006 Edition

NFPA 1911 Standard for Maintenance, Testing and Retirement of In-Service Automotive Fire Apparatus, Chapter 10, 2007 Edition

NFPA 1912 Standard for Fire Apparatus Refurbishing, 2006 Edition

NFPA 1915 Standard for Fire Apparatus Preventive Maintenance Program, 2000 Edition

NFPA 1936 Standard on Powered Rescue Tools, 2005 Edition

NFPA 1981 Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services, 2002 Edition

NFPA 1982 Standard on Personal Alert Safety Systems (PASS), 1998 Edition

NFPA 1983 Standard on Life Safety Rope and Equipment for Emergency Services, 2006 Edition

NFPA 1989 Standard on Breathing Air Quality for Fire and Emergency Services Respiratory Protection, 2003 Edition

NFPA 1991 Standard on Vapor-Protective Ensembles for Hazardous Materials Emergencies, 2005 Edition

NFPA 1992 Standard on Liquid Splash-Protective Ensembles and Clothing for Hazardous Materials Emergencies, 2005 Edition

NFPA 1994 Standard on Protective Ensembles for Chemical/Biological Terrorism Incidents, 2001 Edition

NFPA 1971 Standard on Protective Ensemble for Structural Fire Fighting, 2000 Edition

NFPA 11 Low, Medium and High Expansion Foam, 2005 Edition

NFPA 1932 Standard on Use, Maintenance, and Service Testing of In-Service Fire Department Ground Ladders, 2004 Edition

#### 438.4 Outreach Training Program: Training Hour Allocation and Scheduling Procedures

##### (a) Training hour allocation

(1) The Office of Fire Prevention and Control will survey county fire coordinators by January 15<sup>th</sup> of each year to determine state fire training course needs of their respective counties for the next state fiscal year. The form and format of the survey will be established by the Office of Fire Prevention and Control.

(2) Training hours will be distributed on the basis of the state fiscal year (April 1st to March 31<sup>st</sup>).

(3) Four state fire instructors will be assigned to each county in which outreach fire training courses are conducted. In counties which are allocated more than 700 course hours, one additional State fire instructor will be assigned for each additional 175 course hours allocated.

(4) Training hour allocation for delivery by state fire instructors for each state fiscal year shall be based on:

- (i) the three year average of training course hours used in a county;
- (ii) a demonstrated need for additional training courses;
- (iii) the availability of instructors to deliver the requested courses;
- (iv) not reducing the training course allocation for a county by more than 50 hours from the previous year; and
- (v) funding available in the state budget for that fiscal year.

(5) All unused and unscheduled hours remaining in individual county allocations will be withdrawn on October 1<sup>st</sup> and will be made available to counties requesting additional training courses. Requests for additional courses will be fulfilled based on order of receipt starting on October 1<sup>st</sup> until all training hours are utilized for the fiscal year.

##### (b) Scheduling procedures

(1) To request a fire training course, the county fire coordinator shall submit a completed proposed fire training schedule form at least 21 calendar days before the beginning of the first proposed training session. The proposed schedule may be submitted by e-mail at: [ofpctraining@dos.state.ny.us](mailto:ofpctraining@dos.state.ny.us), fax at (518) 474-3240, or regular mail to the Office of Fire Prevention and Control at 99 Washington Ave.,

Suite 500, Albany, New York 12231-0001.

(2) When scheduling the truck company operations course and the apparatus operator- aerial devices course, the county fire coordinator will determine that all equipment and apparatus to be utilized in the courses have been inspected and certified in accordance with National Fire Protection Association standard 1911 - Standard for Maintenance, Testing and Retirement of In-Service Automotive Fire Apparatus, 2007 Edition and National Fire Protection Association standard 1932 - Standard on Use, Maintenance, and Service Testing of In-Service Fire Department Ground Ladders, 2004 Edition.

(3) When a course request is approved by Office of Fire Prevention and Control as part of a county's course hour allocation, the course will be scheduled, a course number will be assigned, a confirmed fire training schedule will be sent to the county fire coordinator and the instructor of record, and the appropriate number of training hours will be deducted from the county's allocation.

(4) Training courses delivered by the Nassau and Suffolk County Fire Academies will be administered using the standards applicable to the municipal training program.

#### 438.5 Supplemental Training Program

(a) Supplemental training programs must be approved by the State Fire Administrator.

(b) Counties may participate in the supplemental training program by providing a letter of intent to the State Fire Administrator from the county fire coordinator demonstrating a need for additional state fire training courses in the county. The need for additional training shall be based on student population, course demand, and special local needs.

(c) Authorization for a supplemental training program in a county is for a period of three-years. A request for the continuation of the program for an additional three year period may be submitted to the State Fire Administrator by the county fire coordinator.

(d) The county fire coordinator shall be responsible for the administration of the supplemental training program. County fire coordinators shall ensure that appropriate facilities and equipment for the conduct of state fire training courses are available.

(e) County fire coordinators shall designate county fire instructors who meet the requirements of this part. Designations of county fire instructors shall be approved by the State Fire Administrator and are valid for a period of three years.

(f) County fire instructors may be authorized to instruct the following state fire training courses:

- (1) Live Fire Safety Training;
- (2) Conducting Live Fire Evolutions;
- (3) Scene Support Operations;
- (4) Firefighter I;
- (5) Firefighter II;
- (6) Firefighter Survival;
- (7) Apparatus Operator-Pump;
- (8) Fire Behavior and Arson Awareness;
- (9) Hazardous Materials First Responder Operations;
- (10) Confined Space Awareness and Safety Training;
- (11) Principles of Building Construction: Combustible;
- (12) Incident Safety Officer;
- (13) Aircraft Rescue & Firefighting;
- (14) Apparatus Operator-EVOC;
- (15) SCBA Confidence;
- (16) Refresher Training from lesson units in the courses listed in paragraphs (1) through (15) of this subdivision; and
- (17) Other state fire training courses upon request of the county fire coordinator and approved by the State Fire Administrator.

(g) The authority having jurisdiction is responsible for supplying course curriculum and student materials for the following courses:

- (1) Firefighter I;
- (2) Firefighter II;
- (3) Scene Support Operations;
- (4) Hazardous Materials Awareness; and
- (5) Hazardous Materials First Responder Operations.

(h) County fire instructors shall only deliver those courses for which they are authorized. Instructors must be designated in writing by the county fire coordinator to attend instructor conferences. The cost for county fire instructors to attend instructor conferences is not the responsibility of the State of New York.

(i) Personal protective equipment, medical clearance for use of self-contained breathing apparatus, workers compensation insurance, course curriculum, and student materials are the responsibility of the county.

(j) County fire instructors may be assigned to conduct the Firefighter I, Firefighter II, Scene Support Operations, Hazardous Materials Awareness and Hazardous Materials First Responder Operations state fire training courses to a specific fire department subject to the approval of the State Fire Administrator. Instructors designated pursuant to this section shall only deliver courses in the jurisdiction in which they are designated.

(k) Persons serving as state fire instructors, municipal training officers, and municipal

fire instructors may also be designated as county fire instructors. A person shall not conduct a course simultaneously as a state fire instructor, municipal training officer, or a municipal fire instructor and a county fire instructor.

(l) Payment for services of county fire instructors is not the responsibility of the State of New York.

(m) State fire training courses offered as part of a supplemental training program shall be scheduled pursuant to section 438.4 of this Part.

(n) Counties that receive authorization from the State Fire Administrator to conduct a training program similar to a municipal training program may be exempt from subdivisions (c), (e), (f), and (m) of this section concerning length of program, designations of instructors, course delivery and scheduling.

#### 438.6 Municipal Training Program

(a) The municipal training program is reserved for fire departments which comply with Parts 426 (Minimum Standards for Firefighting Personnel), and 427 (Minimum Standards for Firefighting Personnel in the State of New York - Administrative Procedures) of this Title.

(b) The municipal training program is established to allow certified instructors to deliver state fire training courses at the local level.

(c) The chief fire official shall send a written designation to the State Fire Administrator identifying a specific individual to serve as the municipal training officer in accordance with Part 427 of this Title. Such designation must be approved by the State Fire Administrator. If no qualified individual is designated, the chief fire official shall serve as the municipal training officer.

(d) The municipal training officer is responsible for the administration of the municipal training program. The municipal training officer shall ensure that appropriate facilities and equipment for the conduct of state fire training courses are available.

(e) Instructors may teach only those courses for which they have been authorized. Instructors must be designated in writing by the authority having jurisdiction to attend instructor conferences. The cost for municipal training instructors to attend instructor conferences is not the responsibility of the State of New York.

(f) Personal protective equipment, medical clearance for use of self-contained breathing apparatus, workers compensation insurance, course curriculum, and student materials are the responsibility of the authority having jurisdiction.

(g) The chief fire official or the municipal training officer may send a written designation to the State Fire Administrator identifying certain individuals to serve as municipal fire instructors in accordance with Part 427 of this title. Such designation must be approved by the State Fire Administrator.

(h) Municipal training officers and municipal fire instructors may provide training to the volunteer members of combination fire departments with both career and volunteer firefighters. Fire departments functioning within the municipal training program may cooperate to form an instructor pool in order to share training resources.

(i) Fire departments participating in the municipal training program may provide training to members of other fire departments upon written agreement of the municipal training officer, chief officer of all the participating fire departments and the county fire coordinator.

(j) The authority having jurisdiction is responsible for supplying course curriculum and student materials for the following courses:

- (1) Firefighter I;
- (2) Firefighter II;
- (3) Scene Support Operations;
- (4) Hazardous Materials Awareness; and
- (5) Hazardous Materials First Responder Operations.

(k) Payment for services of instructors in the municipal training program is not the responsibility of the State of New York.

(l) The municipal training officer shall request course schedules directly from the Office of Fire Prevention and Control.

(m) Course requests should be made in April of each year for each course title that will be delivered during that state fiscal year. The assigned course numbers may be used from April 1st until March 31st of the following year, regardless of how many times each course is delivered. These courses are not charged to a county's course hour allocation.

#### 438.7 Fire Brigade Training Program

(a) The fire brigade training program is established to allow certified instructors to deliver selected state fire training courses. Participation in the fire brigade training program must be approved by the State Fire Administrator.

(b) Employers wishing to participate in the fire brigade training program shall send a letter of intent to the State Fire Administrator demonstrating a specific need for training courses. The need for training shall be based on student population, course demand, and special local needs.



(c) Authorization for a fire brigade training program is for a period of three-years. A request for the continuation of the program for another three year period may be submitted to the State Fire Administrator by the employer.

(d) The employer is responsible for the administration of the fire brigade training program and shall ensure that appropriate facilities and equipment for the conduct of state fire training courses are available.

(e) The employer shall send a written designation to the State Fire Administrator identifying a specific individual to serve as the fire brigade training officer who meets the requirements of this part. The designation of a fire brigade training officer shall be approved by the State Fire Administrator and is valid for a period of three years.

(f) The employer may send a written designation to the State Fire Administrator identifying certain individuals to serve as fire brigade training instructors who meet the requirements of this part. Designations of fire brigade training instructors shall be approved by the State Fire Administrator and are valid for a period of three years.

(g) Fire brigade training officers and instructors may teach only those courses for which they have been authorized. Fire brigade training officers and instructors must be designated in writing by the employer to attend instructor conferences. The cost for fire brigade training officers and instructors to attend instructor conferences is not the responsibility of the State of New York.

(h) Personal protective equipment, medical clearance for use of self-contained breathing apparatus, workers compensation insurance, course curriculum, and student materials are the responsibility of the employer.

(i) Fire brigade training officers and instructors serving in this capacity are only authorized to instruct members of the employer's fire brigade unless otherwise authorized by the State Fire Administrator.

(j) The employer is responsible for supplying course curriculum and student materials for the following courses:

- (1) Firefighter I;
- (2) Firefighter II;
- (3) Scene Support Operations;
- (4) Hazardous Materials Awareness; and
- (5) Hazardous Materials First Responder Operations.

(k) Authorization to instruct courses under the fire brigade training program must be consistent with the duties and responsibilities of the participating fire brigade as defined by the employer and may include:

- (1) Live Fire Safety Training;
- (2) Conducting Live Fire Evolutions;
- (3) Scene Support Operations;
- (4) Firefighter I;
- (5) Firefighter II;
- (6) Firefighter Survival;
- (7) Apparatus Operator-Pump;
- (8) Hazardous Materials First Responder Operations;
- (9) Confined Space Awareness and Safety Training;
- (10) Principles of Building Construction: Combustible;
- (11) Incident Safety Officer;
- (12) Aircraft Rescue & Firefighting;
- (13) Apparatus Operator-EVOC;
- (14) SCBA Confidence;
- (15) Refresher Training from lesson units in the courses listed in paragraphs (1) through (14) of this subdivision; and
- (16) Other state fire training courses upon request of the employer and approved by the State Fire Administrator.

(l) State fire instructors may also be designated fire brigade training officers or instructors. A person shall not conduct a course simultaneously as a state fire instructor and a fire brigade training officer or instructor.

(m) Payment for services of instructors in the fire brigade training program is not the responsibility of the State of New York.

(n) The fire brigade training officer shall request course schedules directly from the Office of Fire Prevention and Control.

(o) Course requests should be made in April of each year for each course title that will be delivered during that state fiscal year. The assigned course numbers may be used from April 1<sup>st</sup> until March 31<sup>st</sup> of the following year, regardless of how many times each course is delivered. Course requests shall include the name of a designated instructor certified to deliver the requested course.

#### 438.8 Regional Training Program and Residential Training Program Course Allocation

Training course allocation for delivery by the Office of Fire Prevention and Control, or their designated representatives, in addition to those delivered in the Outreach Training Program shall be based on:

- (a) availability of instructors to deliver the requested courses;
- (b) demonstrated need for training courses; and
- (c) funding available in the state budget for that fiscal year.

#### 438.9 Restrictions

(a) Training course materials developed and distributed by the Office of Fire Prevention and Control shall only be used in the conduct of state fire training courses authorized by this part and may not be duplicated without permission of the Office of Fire Prevention and Control. The duplication of any copyrighted and/or trademarked commercial material used in the state fire training program is prohibited.

(b) Any instructor who is authorized to deliver state fire training courses is prohibited from charging a fee for the delivery of such courses.

(c) Any instructors authorized to deliver state fire training courses shall comply with all of the Office of Fire Prevention and Control policies pertaining to safety, course delivery and live fire training when delivering state fire training courses. Failure to comply with these policies and procedures may result in termination of the authorization to deliver state fire training courses.

(d) Individuals who are under the age of sixteen, Explorer Scouts, or similar participants of fire department youth programs, pursuant to General Municipal Law 204-b, may not attend state fire training courses.

(e) Instructors shall restrict a student's activities in state fire training courses if the student is using personal protective equipment that is not appropriate or not in compliance with 29 CFR Part 1910.

(f) Instructors shall restrict a student's activities during state fire training courses if the student's conduct, skills or abilities present a safety hazard to himself or herself, the instructor(s) or other students.

(g) State fire instructors and county fire instructors shall not begin course delivery until a course confirmation is received from the Office of Fire Prevention and Control.

(h) No person shall issue a State of New York fire training certificate or a State of New York Academy of Fire Science fire training certificate, produced by the Office of Fire Prevention and Control, or a facsimile or representation thereof, without the authorization of the Office of Fire Prevention and Control.

#### 438.10 Authority of the State Fire Administrator

The State Fire Administrator may suspend and/or terminate the authorization of an instructor to deliver state fire training courses, a municipality to participate in the municipal training program, a county to participate in the supplemental training program, a fire brigade to participate in the fire brigade training program, or a student to participate in state fire training courses for any violation of this Part.

**DISCLAIMER:**

This information is not the official version of the Official Compilation of the Rules and Regulations of the State of New York (NYCRR). No representation is made as to its accuracy, nor may it be read into evidence in New York State courts. To ensure accuracy and for evidentiary purposes, reference should be made to the official NYCRR. The Official NYCRR is available from West Publishing: 1-800-344-5009.

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