

**SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES,  
EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS  
SPS 330, Fire Department Safety and Health Standards**

This attachment represents the unique issues raised during the public comment period. The comment section reflects a summary of the issues and represents testimony that was presented in opposition or to provide information and recommendations to the Department. After considerable review of all comments, the Department submits its response to each of the issues as indicated below.

#	Topic	Provision	Comments / Recommendations	Agency Response
1.	Incorporation of standards by reference	330.02	Two commenters recommend inserting language to state “current editions of the referenced NFPA standards” instead of specifying a year because the code and standard are always chasing each other and will be outdated as soon as the proposed rules are adopted.	Changes to standards cannot be adopted prospectively or automatically. Agencies may adopt changed versions to standards only with the written consent of the Attorney General. The Department performs a comprehensive review of each standard prior to incorporation. The proposed rule was updated to reflect the most recent versions of the NFPA standards that were released after the posting of the public hearing draft.
2.	Qualified Instructors	330.01 (21c) 330.07 (3)	Five comments related to the qualified instructors: 1. One commenter feels that unless the fire Chief is fully self-aware of the course content, they would be incapable of making an informed decision to assure that their designee is capable of fulfilling the required abilities. With the revision, only remaining option is Emergency Service Instructor I certification through the technical college. 2. Recommends “qualified instructor” be replaced with “Certified Emergency Services Instructor”. 3. One comment recommends adding a note to clarify certification by WTCS is not required. 4. Four comments oppose the requirement for a qualified instructor to conduct the training. 5. Four comments relate to concerns with training costs to train instructors. 6. Two commenters feel training should be allowed by experienced mentors or the fire chief.	The proposed rule was amended to add a note to clarify that it is not the intent of the rule to require certification for instructors. In addition, language was added to the global deletion section (SPS 330.003 (4)) to exclude any NFPA requirement relating to instructor certification.
3.	Training Requirements	330.07(5) 330.07 (6)	One commenter opposed the requirement to obtain training “before a fire fighter can do anything”. - SPS 330.07 (5) Assure that a member obtains the minimum fire fighter training and education requirements before that member performs any <del>emergency interior structural</del> fire fighting activity <del>during an emergency operation or at an emergency scene</del> or within an IDLH environment as <u>determined by the incident safety officer in accordance with s. SPS 330.14 (1)(g).</u>	The Department believes the proposed rules comply with OSHA standards, which require fire department members to obtain training before that member performs emergency activities and that training commensurate with duties the member is expected to perform. Section SPS 330.07 (5) of the proposed rule was modified (as shown) to specify structural fire fighting and IDLH activities and permits the

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			<del>- SPS 330.07 (6) For a member who has not obtained the minimum fire fighter training requirements, restrict that member's activities to non-hazardous support functions during an emergency operation.</del>	incident safety officer to determine hazards at an emergency scene. Section SPS 330.07 (6) of the proposed rule was deleted. A clarifying note was added to provide guidance to fire depts. utilizing new members. In addition, language was added to the global deletion section [SPS 330.003 (4)] to exclude any NFPA requirement for certification.
4.	Minimum Training Standards	<p>330.08</p> <p>(1) Entry level fire fighter</p> <p>(2) Entry level pumper/aerial operator</p> <p>(3) Fire Officer training program</p>	<p>Six commenters provided testimony relating to the minimum training standard section. The concerns include the following:</p> <ol style="list-style-type: none"> <li>1. Oppose elimination of 12- and 24-month timeframe provisions to acquire the training.</li> <li>2. Feels the only training options available to them are through WTCS.</li> <li>3. Creates financial hardship due to paying personnel for training and reimbursement of travel and other related costs. (FLSA)</li> <li>4. Increased cost to municipalities for fire service (training) could delay other projects.</li> <li>5. Subject content in entry-level training course does not contain relevant minimum training standards and has little to do with what fire departments actually do.</li> <li>6. Limited availability of training from some local technical colleges (i.e. agencies must travel far distances for courses)</li> <li>7. No or limited availability of certain courses. (i.e. lack of instructors for the aerial operator course results in course not offered at that local training center)</li> <li>8. Minimum student enrollment requirements (i.e. 12 students required in order to hold course, courses being canceled with short notice)</li> <li>9. WTCS requirements exceed SPS 330 minimum standard requirements (i.e. pre-requisites for Fire Officer course requires certification. WTCS does not offer an entry level fire officer course.)</li> <li>10. WTCS not actively approving In-house training programs.</li> <li>11. Recommend allowing the use of qualified instructors and experienced personnel from own fire department to do in-house training and teach to the technical school curriculum or NFPA national standards.</li> </ol>	<p>The Department believes the proposed rule reflects minimum standards complies with OSHA standards. The proposed rules do not include requirements for certification. Section 330.08 (1) of the proposed rule was modified for clarity.</p> <p>The Wisconsin Technical College System is designated as the agency authorized to establish, coordinate, and supervise fire service education and training in Wisconsin. As such, WTCS administers training programs for fire fighters, fire apparatus operators, and fire officers. WTCS establishes standards for course pre-requisites, student enrollment minimums, and course scheduling. WTCS also approves program curricula, which includes in-house training programs. Concerns relating to the items that fall under the authority of WTCS should be directed to that agency.</p>

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5.	Fire Officer requirements	330.08(3)	One commenter testified that NIMS says that anyone can be in charge of a scene. One commenter testified that ICS, as taught, allows the first person on scene to be an Incident commander.	No resulting changes were made to the proposed rule related to fire officer requirements. NIMS requires all personnel with a direct role in emergency preparedness, incident management, or response to complete the applicable training for that role. NIMS and ICS training is attainable through free online courses.
6.	Verification of training	330.08 (4)	One commenter recommends not repealing the date in a provision relating to the requirement for fire departments members to have their training specified in writing as of March 31, 1991. Feels the date is significant to “grandfather” members that joined the department prior to that date.	No resulting changes were made to the proposed rule. The Department feels the proposed rule complies with OSHA standards.
7.	Inspection and testing of apparatus and equipment	330.09 (1) (d) 4.	One commenter recommends referencing NFPA 1911 in order to follow national standards for out of service criteria and daily/weekly inspections and maintenance.	The provision was amended to reference NFPA 1911 relating to out of service criteria.
		330.10 (1) (a) 330.10 (1) (c)	Two commenters oppose extending the inspections from weekly to monthly and recommend retaining weekly inspections and also require inspection immediately after use. Recommend adding requirement for weekly testing – not just visual examination. Reference NFPA 1911.  One commenter raised concerns that rule does not contain requirements for: - Annual pump testing or hose testing per NFPA 1911 - <i>Standard for Inspection, Maintenance, Testing and Retirement of In-Service Emergency Vehicles</i> - Annual testing of ladders per NFPA 1932- <i>Standard for the Care, Use, Inspection, Service Testing of In-Service Fire Department Ground ladders,</i> - Annual hose testing per NFPA 1962- <i>Standards for the Care, Use, Inspection, Service Testing, and Replacement of Fire Hose, Couplings, Nozzles, and Fire Hose appliances.</i>	No resulting changes were made to the proposed rule relating to inspections. The Department feels as a minimum standard, the rule does not prohibit a fire department from performing more frequent inspections and testing if desired.
8.	Drivers of apparatus	330.09 (2)	One commenter recommends retaining the phrases “directly responsible for” in the following provision:  <u>A driver of a fire vehicle apparatus shall have a valid driver’s license for and training relating to the operation of the vehicle fire apparatus.</u> The driver is	No resulting changes were made to the proposed rule. The Department feels the intent of the provision is to ensure drivers operate in a safe manner and does not prohibit fire departments from developing internal policies that assign “direct

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			<del>directly responsible for the safe and prudent operation of the vehicle in all conditions manner. Any officer directly supervising the driver is responsible for the actions of the driver.</del>	responsibility" to personnel.
9.	Teams: Continuous Communication when using SCBA	330.12 (6) (a)	One commenter requests the Department retain the recommendation of the advisory committee and insert language that would require at least one member of the team be in possession of a "handheld radio".	The provision was amended to add the phrase "portable radio", which provides an additional option for compliance with this provision.
10.	PASS alarm testing	330.13	One commenter feels testing should be changed to monthly instead of weekly stating fire fighters from volunteer departments do not get to the station every week and may not have any calls.	No resulting changes were made to the proposed rule. The Department feels the testing of PASS devices is a health, safety, and welfare issue. Further, NFPA standards require weekly testing.
11.	Qualifications for Incident Commanders	330.14 (1)	One commenter recommends minimum IMS qualifications of Incident Commander, (i.e. ICS 100, 200, 700 and 800, which are all available on line). Commenter acknowledges to be eligible for any FEMA Grants, fire departments must certify that member have obtained this training as a minimum. Reference NFPA 1026- <i>Standard for Incident Management Personnel Professional Qualification</i> .	No resulting changes were made to the proposed rule. The rule contains a provision that requires NIMS training for all members involved in emergency operations, which includes and applies to the Incident Commander. The specific levels of ICS training for various command positions are already required by federal law for funding eligibility.
12.	HIPPA	N/A	Commenter questioned why HIPPA is not covered in SPS 330.	No resulting changes were made to the proposed rule. HIPAA regulations are not within the purpose or scope of SPS 330.