



[townhall.virginia.gov](http://townhall.virginia.gov)

## Fast-Track Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Fire Programs
<b>Virginia Administrative Code (VAC) citation(s)</b>	<a href="#">19 VAC 15 - 30</a>
<b>Regulation title(s)</b>	Regulations Establishing the Certification Standards for Fire Investigators
<b>Action title</b>	Repeal Regulations Establishing the Certification Standards for Fire Investigators
<b>Date this document prepared</b>	9/28/2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The proposed amendment will replace the specifics of Fire Investigator Training requirements with a VDFP website link leading to the compulsory minimum training standards in accordance to NFPA 1033. This action was approved by the Virginia Fire Services Board on Friday, August 3, 2018 during its full board meeting.

### Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

**NFPA 1033– National Fire Protection Association** - This standard facilitates safe, accurate investigations by specifying the job performance requirements (JPRs) necessary to perform as a fire investigator in both the private and public sectors.

**VDFP** – Virginia Department of Fire Programs

**VFSB** – Virginia Fire Services Board

### Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

Virginia Fire Services Board (VFSB) voted, at its August 3, 2018 to replace 19 VAC Chapter 30. Regulations Establishing the Certification Standards for Fire Investigators with a link, on the VDFP website, which leads to NFPA 1033, Standard for Professional Qualifications for Fire Investigator.

VFSB has determined that the national standards will now serve as the compulsory minimum training standards for Fire Investigator. Accordingly, VDFP seeks to repeal the existing regulations via the fast track process.

### Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

As required by Virginia Code § 2.2-4012.1, please also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track process.

- **Noncontroversial:** VDFP conducted a periodic review in December 2017. Zero Comments Received. See below
  - What:** Periodic Review of Regulations Establishing the Certification Standards for Fire Investigators
  - Begin Date:** 12/25/2017    **End Date:** 1/25/2018
  - Comments Received:** 0
  - Review Result**
  - Repeal the regulation

**Action Implementing the Result**

Not yet specified

**Attorney General Certification**

Result of Review: Certified

**Legal Basis**

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

- **See authorization below;**
  - **Va. Code [9.1-203.A](#)**
    - **(2)** - Review and approve a five-year statewide plan for fire education and training
    - **(5)** - Advise the Department of Fire Programs on and adopt personnel standards for fire services personnel;
- **[§ 27-34.2:1. Police powers of fire marshals.](#)**
- **1033** –“In addition, fire marshals with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which courses shall be approved by the Virginia Fire Services Board.”

**Purpose**

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

The purpose of this fast track is to revise and update the current regulations governing the Certification Standards for Fire Investigators.

VDFP is seeking to replace the current content with a link to the VDFP website which outlines the national standards compulsory training standards per the National Fire Protection Association – Fire Investigators. The requested revisions are essential to protect the safety and welfare of citizens to ensure that fire investigators are receiving the most current training. Presently, the when training standards must be revised, the department has to seek such changes through the standard regulatory process which requires a minimum of 12-18 months for completion. This is far too lengthy of a with public and officer safety issues.

### Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.*

**19-VAC 15-30** – Amends the language by removing the training standards incorporated by replacing such language with the web link to the VDFP website which outlines the national standards compulsory training standards per the National Fire Protection Association – Fire Investigators.

### Issues

*Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The advantage is that any recruit will be receiving the most current national standard training.

There are no disadvantages since the oversight committee is composed of knowledgeable and experienced persons who are appointed to serve by the Governor through the Fire Services Board, and feel these revisions are in the best interest of Virginia’s constituents.

### Requirements More Restrictive than Federal

*Please identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

There are no federal requirements related to this action.

## Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

### Other State Agencies Particularly Affected

There are no other state agencies affected.

### Localities Particularly Affected

There are no localities affected.

### Other Entities Particularly Affected

None

## Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, please identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that this is change versus the status quo.

### Impact on State Agencies – No Economic Impact

<i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	0
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	0
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	<b>Provides an updated and current training in a more efficient manner.</b>

### Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	0
Benefits the regulatory change is designed to produce.	Provides an updated and current training in a more efficient manner.

**Impact on Other Entities**

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	The only individuals the change impacts are fire investigators who will continue to receive updated and current training in a more efficient manner.
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	0
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	0
Benefits the regulatory change is designed to produce.	Provides an updated and current training in a more efficient manner.

**Alternatives**

*Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

There are no alternatives to the proposed action.

**Regulatory Flexibility Analysis**

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business.*

Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

Provides an updated and current training in a more efficient manner.

### Public Participation

If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register; and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

### Detail of Changes

Please list all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation.

If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Delete inapplicable tables.

If the regulatory change is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below. Please include citations to the specific section(s) of the regulation that are changing.

For changes to existing regulation(s), please use the following chart:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements

If an existing regulation or regulations (or parts thereof) are being repealed and replaced by one or more new regulations, please use the following chart:

Current chapter-section number	New chapter-section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
<u>19</u> <u>VAC 15 -</u> <u>30</u>	19VAC15-30-1980.		Pursuant to <a href="#">9.1-203.A</a> – the VFSB advises the Department of Fire Programs on and adopt personnel

			standards for fire services personnel. This action seeks to revise and update the current regulations governing the Certification Standards for Fire Investigators in accordance to the National Fire Protection Association’s 1033. The complete standards can be found Virginia Department of Fire Programs’ website at <a href="http://www.vafire.com">www.vafire.com</a> .

If a new regulation is being promulgated, that is not replacing an existing regulation, please use this chart:

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements

If the regulatory change is intended to replace an emergency regulation, and is identical to the emergency regulation, please choose and fill out the appropriate chart template from the choices above. In this case “current section number” or “current chapter-section number” would refer to the **pre-emergency** regulation.

If the regulatory change is intended to replace an emergency regulation, but includes changes made since the emergency regulation, please create two charts:

1. A chart describing changes from the **pre-emergency** regulation to the regulatory change, as described in the paragraph above; or if a new chapter is being promulgated, a chart describing the proposed new regulation.
2. A chart describing changes from the **emergency** regulation to the regulatory change. For the second chart please use the following title: “Changes from the Emergency Regulation.” In this case “current section number” or “current chapter-section number” would refer to the **emergency** regulation.