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**Exempt Action  
Final Regulation  
Agency Background Document**

<b>Agency name</b>	Virginia Department of Programs
<b>Virginia Administrative Code (VAC) citation(s)</b>	[19 VAC 15 - 20] [19 VAC 15 - 30] [19 VAC 15 - 40]
<b>Regulation title(s)</b>	Certification Standards for Fire Inspectors, Certification Standards for Fire Investigators, & Certification of Instructors Providing Training At Local Fire Training Facilities
<b>Action title</b>	Repeal Three Regulations: [19 VAC 15 - 20] [19 VAC 15 - 30] [19 VAC 15 - 40]
<b>Final agency action date</b>	5.9.19
<b>Date this document prepared</b>	5.9.19

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, 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.*

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**Purpose of Repeal:** Repealing the chapters 20, 30 and 40 gives the Fire Services Board and Department of Fire Programs the flexibility to deliver relevant and up-to-date training for Virginia's fire services – based on current industry standards (i.e. National Fire Protection Association). The language presently utilized on the administrative code cites training requirements that are no longer used or are obsolete. Additionally, when training standards are revised, the Agency and Board have to publish such changes through the standard regulatory process, which requires a minimum of 12-18 months for completion. Lastly, the requested revisions are essential to protect the safety and welfare of citizens to ensure that fire inspectors are receiving the most current training. Repeal

**[19 VAC 15 - 20] Regulations Establishing Certification Standards for Fire Inspectors:** The proposed amendment will repeal the specifics of Fire Inspector Training requirements. The Virginia Fire Services Board approved this action on Friday, February 22, 2019 during its full board meeting.

**[19 VAC 15 - 30] Regulations Establishing the Certification Standards for Fire Investigators:** The proposed amendment will repeal the specifics of Fire Investigator Training requirements. The Virginia Fire Services Board approved this action on Friday, February 22, 2019 during its full board meeting.

**[19 VAC 15 - 40] Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities:** The proposed amendment will repeal regulations governing the certification of instructors providing training at local fire training facilities.

- Local fire training facilities also known as live fire training structure or burn building are funded by the Live Fire Training Structure Grant Program. The program's intent is to provide funding to Virginia's localities seeking to construct, renovate (including additions), or repair permanent Live Fire Training Structure in accordance with the most current edition of NFPA 1402.

Presently, Chapter 40 cites "... Live fire training conducted at a local fire training center shall be conducted under the direct supervision and control of an individual meeting the criteria of [19VAC15-40-20](#)."

- [19VAC15-40-20](#) adds that "Fire related training at a local fire training center where fire programs funds are used to construct, improve or expand the center shall be supervised by the chief of a fire department or fire company or a person who, at a minimum, holds a certificate as a **Fire Instructor II** issued by the Department of Fire Programs."

**Issue:** The fire services board discovered the presence of a causal relationship between live fire facility heats related damages and the lack of NFPA 1402 compliance or oversight. Due to noncompliance of this requirement – the agency is unable to ensure the facilities are being used appropriately and safely. Additionally, the agency and fire services board would like to strengthen its internal policy to show that in addition to NFPA 1402 compliance, entities with training facilities also follow NFPA 1403.

### 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, internal staff review, petition for rulemaking, periodic review, board decision, etc.). “Mandate” is defined as “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.”*

- **Purpose 1:** The Virginia Fire Services Board approved this action on Friday, February 22, 2019 during its full board meeting. The authority to pursue this initiative is under [§ 2.2-4006.A.4.a.](#)
  - **Authority:** Per the **CHAPTER 791 (SB 951) 1997** - authority to regulate was repealed - “*Except for those policies established in § 38.2-401, compliance with the provisions of § 9-154 and this section and any ~~regulations~~ policies or guidelines enacted pursuant thereto shall be optional with, and at the full discretion of, any local governing body and any volunteer fire department or volunteer fire departments operating under the same corporate charters.*”
- **Purpose 2:** VDFP and the Fire Services Board discovered various issues with Chapters 20, 30 and 40 of the Virginia Administrative Code. Presently, the standards articulated on the chapter are designed to prepare the students for the following;
  - **Chapter 20 Regulations Establishing Certification Standards for Fire Inspectors** – Designed as the basis for assuring that a Fire Inspector I has a clear understanding of the Fire Prevention Code, laws, rules, and regulations which have been adopted to make Virginia communities a safer place to live, work and play.
  - **Chapter 30 - Regulations Establishing the Certification Standards for Fire Investigators-** Designed to prepare the student to become familiar with the procedure required for investigating a fire to determine if arson has been committed and, if so, what procedure he needs to follow in the investigation, interrogation, arrest and conviction of the person or persons responsible for the crime.
  - **Chapter 40 - Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities** - Presently, Chapter 40

indicates that “... Live fire training conducted at a local fire training center shall be conducted under the direct supervision and control of an individual meeting the criteria of [19VAC15-40-20](#).” 19VAC15-40-20 criteria explicitly cites “Fire related training at a local fire training center where fire programs funds are used to construct, improve or expand the center shall be supervised by the chief of a fire department or fire company or a person who, at a minimum, holds a certificate as a **Fire Instructor II** issued by the Department of Fire Programs.”

- **Issue:** The fire services board discovered the presence of a causal relationship between live fire facility heats related damages and the lack of NFPA 1402 compliance or oversight. Due to noncompliance of this requirement – the agency is unable to ensure the facilities are being used appropriately and safely. Additionally, the agency and fire services board would like to strengthen its internal policy to show that in addition to NFPA 1402 compliance, entities with training facilities also follow NFPA 1403.

**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.*

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The proposal will repeal the specifics requirements of Fire Inspector Training, Fire Investigator Training, and Certification of Instructors Providing Training at Local Fire Training Facilities. The Virginia Fire Services Board approved this action on Friday, February 22, 2019 during its full board meeting. Such effort allows for the delivery of training that meets national industry standards.

- The Virginia Fire Services Board has authority under [§ 9.1-203 \(A.5\)](#) which articulates the board’s ability to advise the Department of Fire Programs on and adopt personnel standards for fire services personnel.
- Additionally, the repeal will ensure compliance with **CHAPTER 791 (SB 951) 1997** - regarding authority to regulate which was repealed. See below;
  - *“Except for those policies established in § 38.2-401, compliance with the provisions of § 9-154 and this section and any ~~regulations~~ policies or guidelines enacted pursuant thereto shall be optional with, and at the full discretion of, any local governing body and any volunteer fire department or volunteer fire departments operating under the same corporate charters.”*

Mohamed G. Abbamin, Policy Manager of Virginia Department of Fire Programs is submitting the following agency initiatives on Wednesday, May 15, 2019.

1. 19 VAC 15 - 20
2. 19 VAC 15 - 30
3. 19 VAC 15 - 40

**Periodic Review  
Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.*

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<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>

Enter statement here