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**Notice of Intended Regulatory Action (NOIRA)  
Agency Background Document**

<b>Agency name</b>	Department of Fire Programs
<b>Virginia Administrative Code (VAC) citation(s)</b>	<a href="#"><u>19 VAC 15 - 30</u></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>	4.15.19

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 VAC 7-10), 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

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.

## Acronyms and Definitions

*Please define all acronyms or technical definitions used in the Agency Background Document.*

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**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

## 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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- VDFP and the Fire Services Board discovered various issues with Chapter 30. Presently, the standards articulated on the chapter are 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 needs be followed in the investigation, interrogation, arrest and conviction of the person or persons responsible for the crime. The Candidates that successfully complete this course will be qualified as having met the requirements of § [27-34.2:1](#) (Police powers of fire marshals) of the Code of Virginia and may be granted police powers by their locality. The candidates who have met the required prerequisites will be certified as having met the provisions of N.F.P.A. (National Fire Protection Association) Standards Number 1033 for Fire Investigator II. However, the content/standards which are also incorporated by reference and made a part of the following regulations [19 VAC 15 - 30] are not up to date with national standards.

## 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.*

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- The Virginia Fire Services Board has authority under [§ 9.1-203 \(A.5\)](#) to advise the Department of Fire Programs on and adopt personnel standards for fire services personnel.

### Purpose

*Please describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.*

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This repeal removes the current regulations and language governing the Certification Standards for Fire Investigators. Repealing the content gives the Fire Services Board in conjunction with Department of Fire Programs the flexibility to deliver relevant and up to date training for fire Investigators – based on current industry standards. 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 Investigator are receiving the most current training.

### Substance

*Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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This action will repeal the existing regulation comprehensively. The repeal will enable the Virginia Fire Services Board in collaboration with the Virginia Department of Fire Programs the opportunity to incorporate updated training standards for the Fire Investigator Training requirements.

### 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 other alternatives to the proposed regulatory action, as the action is necessary to make Fire Investigator Training requirements consistent and in compliance with the National Fire Protection Association – Fire Investigators.

### Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the *Code of Virginia*, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

### Public Participation

*Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation and the costs and benefits of the alternatives stated in this notice or other alternatives.*

*Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is \_\_\_\_\_; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulation.*

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The Virginia Fire Services Board is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Mohamed G. Abbamin, 1005 Technology Park Dr. Glen Allen, VA 23059 or by email [Mohamed.Abbamin@vdfp.virginia.gov](mailto:Mohamed.Abbamin@vdfp.virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.