



CITY OF HOUSTON

Fire Department

Promoting Excellence as the World's Largest Accredited Municipal Fire Agency

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Sunset Advisory Commission
Robert E. Johnson Building
1501 N. Congress Avenue, 6th Floor
Austin, Texas 78701

RE: Texas Commission on Fire Protection Report Public Comment

Sunset Advisory Commission,

Houston Fire Department would like to express deep appreciation to Sunset Advisory Commission staff in its faithful efforts to develop a quality report on the Texas Commission on Fire Protection (TCFP). The staff has demonstrated its dedication to the State of Texas by spending countless hours in understanding how policies related to the fire service have deep implications to the health and safety of our first responders and communities. In this correspondence, Houston Fire Department would like to provide our public comment on the recommendations detailed in the staff report:

Issue 1: The State Has a Continuing Need for the Texas Commission on Fire Protection, but the Effectiveness and Transparency of Its Advisory Committees Could Be Improved.

1.1 Continue the Texas Commission on Fire Protection for 12 years.

Houston Fire Department is in favor of the continuation of TCFP but with a restructured governing board and shorter continuation period.

A 13-member governing board for TCFP should be retained but with a change in composition to ensure appropriate stakeholder representation. The Governor would appoint commissioners based on the following criteria:

- Two members who are chief officers with a minimum rank that is equivalent to the position immediately below that of the fire chief and who are employed by fire departments under the jurisdiction of the commission that serve a population of over 500,000.
- Two members who are chief officers with a minimum rank that is equivalent to the position immediately below that of the fire chief and who are employed by fire departments under the jurisdiction of the commission that serve a population between 200,000 and 500,000.
- Two members who are chief officers with a minimum rank that is equivalent to the position immediately below that of the fire chief and who are employed by fire departments under the jurisdiction of the commission that serve a population less than 200,000.
- One member to be selected from a list of five names submitted by the Texas State Association of Fire Fighters who are defined as fire protection personnel as defined by Section 419.021 with the

rank of battalion chief or below and who are employed in the fire departments or other appropriate local authorities under the jurisdiction of the commission.

- One certified arson investigator or certified fire protection inspector.
- One fire protection instructor from an institution of higher education as defined by Section 61.003, Education Code.
- Four public members.

No more than one commissioner may be appointed that is employed by the same regulated fire department. Commissioners would continue to serve staggered six-year terms. During the November 2020 TCFP public hearing, over 20 of the 25 largest fire departments in the State provided public support for this proposal.

The continuation period for TCFP should be modified to six years with a sunset date of September 1, 2027 to determine the effectiveness of the proposed changes.

1.2 Update the standard across-the-board requirement related to commission member training.

Houston Fire Department is in favor of this staff recommendation.

1.3 Direct TCFP to evaluate the continued usefulness and effectiveness of its advisory committees.

Houston Fire Department is in favor of this staff recommendation. Rules should also be developed for each advisory committee's appointment procedures and terms of members.

1.4 Direct TCFP to maintain documentation on complaints.

Houston Fire Department is in favor of this staff recommendation.

Issue 2: The Texas Commission on Fire Protection's Statute and Operations Do Not Reflect Some Regulatory Best Practices and Standard Elements of Sunset Reviews.

2.1 Authorize TCFP to provide biennial renewal for certifications.

Houston Fire Department is in favor of this staff recommendation.

2.2 Authorize TCFP to enter into reciprocity agreements with other state fire personnel certification agencies.

Houston Fire Department is in favor of this staff recommendation.

2.3 Abolish TCFP's general reporting requirement on the commission's activities.

Houston Fire Department has no position on this staff recommendation.

2.4 Update TCFP's statute to reflect the requirements of the person-first respectful language initiative.

Houston Fire Department is in favor of this staff recommendation.

2.5 Direct TCFP to create a standard complaint form and publish it in a prominent location on the agency's website.

Houston Fire Department is in favor of this staff recommendation.

2.6 Direct the commission to review rules covering how criminal convictions relate to eligibility for certification.

Houston Fire Department is in favor of this staff recommendation.

2.7 Direct TCFP to adopt a policy to ensure each rule undergoes meaningful review pursuant to state law.

Houston Fire Department is in favor of this staff recommendation.

Suggested Additional Recommendations:

Direct TCFP to issue certifications based on recognized national standards that protect health and safety.

TCFP-issued certifications should be based on recognized national standards that protect personnel and the public. Standards developed by entities including the National Fire Protection Association (NFPA) feature an open, stakeholder-driven, and consensus-based process. The requirements for certifications, and their associated fees, should not be set in a manner that creates unreasonable barriers for entry or limits the pool of qualified candidates. In addition, certifications should be structured to allow local fire departments to appropriately match validated qualifications to occupational functions. Limiting discretion of local fire departments may prevent them from investing in more effective strategies that protect health and safety.

Direct TCFP to track compliance history on individual certification holders.

Despite fire departments providing resources and establishing policies for TCFP compliance, violations may be issued due to non-compliance at an individual level. Although health care facilities are liable for the activities of its personnel, individuals in the medical field maintain their own certifications. As currently structured, fire departments have near complete responsibility in maintaining compliance with TCFP requirements. Additional support from TCFP in ensuring accountability for individuals would help stress the importance of firefighter safety regulations. Mobility between fire departments has become commonplace, and compliance history would assist departments in hiring decisions.

Thank you for reviewing this written public comment to the Sunset Advisory Commission's TCFP staff report. Houston Fire Department intends to remain engaged in this process throughout the upcoming legislative session due to the importance of the issues addressed here.

Respectfully,



Sam Pena, Fire Chief
Houston Fire Department