

1. TITLE OF RULE FILING:

Vermont Fire Service Training Council Rules

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P 048

3. ADOPTING AGENCY:

Vermont Fire Service Training Council

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Michael Skaza, Chief of Training

Agency: VT Dept of Public Safety, Division of Fire Safety, Vermont Fire Academy

Mailing Address: 93 Davison Drive, Pittsford, VT 05763

Telephone: 802-483-2754 Fax: 802-483-2464

E-Mail: michael.skaza@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://firesafety.vermont.gov/academy/vermont-fire-service-training-council>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: John Marcus

Agency: Vermont Fire Service Training Council

Mailing Address: University of Vermont, 284 East Avenue, Burlington, VT 05405

Telephone: 802-656-4363 Fax:

E-Mail: jmarcus@uvm.edu

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

20 V.S.A. § 3153

EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

§ 3153. Powers and duties

(a) The Council shall:

(1) Establish by rules adopted pursuant to 3 V.S.A. chapter 25:

(A) Minimum basic training courses for full-time firefighters and minimum basic training courses that shall be made available, on a voluntary basis, to other firefighters. Courses for persons who are not full-time firefighters shall be reasonable in terms of length, cost, location, and availability in light of the rural nature of the State and the high percentage of volunteer participation in fire service. They shall incorporate any distinct or limited functions performed by such firefighters.

(B) Standards for approval of fire service training courses, certification of instructors, and the grounds for revocation of approval or certification.

(C) Training requirements for certification and recertification of firefighters.

(D) Standards for recertification of firefighters who have not maintained their certification.

8. (E) Standards relating to waivers of the training requirements of sect

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
13. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
14. **CONCISE SUMMARY (150 WORDS OR LESS):**

The Vermont Fire Service Training Council maintains rules pertaining to fire service training requirements, standards for courses, issuance of certifications, and waivers related to the training requirements for firefighters. This rule filing makes corrections to typographical errors, clarifies the annual date by which the Council may modify recertification requirements, and eases the requirements for granting firefighter certification through reciprocity from applicants who received their certification from other states.

15. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

This filing is an amendment to an existing rule. The revisions make corrections to typographical errors, clarified when the Council may make changes to firefighter recertification requirements, and eases the requirements for recognizing equivalent firefighter certifications issued by out of state accredited training entities. This rule change will create an easier path to Vermont certification for firefighters who received their initial certifications in other states.

16. **EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

The rule is not arbitrary as it has been developed based on facts gathered by the Council using significant stakeholder input. This input brings forth experiences from the stakeholders that are rationally connected to the situations impacted by the rule. The decisions made by the Council in the development of the

rule make sense to a reasonable person as they have been proposed and endorsed by the stakeholders. The intent of the rule is to positively influence firefighter safety and proficiency in the interest of public safety.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Firefighters and fire departments.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

This proposed rule change provides a positive economic impact. The rule change eases the requirements for firefighters who gain equivalent certification outside of Vermont to obtain reciprocal certification in Vermont without undergoing knowledge and skills examinations when properly credentialed. This removes a known barrier to recruitment and hiring firefighters from out of state and lessens the burden of filling vacant firefighter positions in both career and volunteer fire departments.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 1/8/2024

Time: 09:00 AM

Street Address: 93 Davison Drive, Pittsford, VT

Zip Code: 05763

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MzgL0TVhNTMtMzM4MC00OWIzLTliYjEtNjk2ZmFlMzYwY2Vm%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%22f082cec5-6726-481b-8507-b1eab7e1a777%22%7d

Date:

Time: AM

Street Address:
Zip Code:
URL for Virtual:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

1/16/2024

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Firefighter Certification
Fire Training
Certification reciprocity
Firefighter

**Vermont Fire Service Training Council
EXPLANATION OF PROPOSED RULE REVISIONS**

Section 3

This section contains numerous grammatical and typographical corrections. There is no change the content or intent of this section from the previous adoption.

Section 5.2.1

A correction was made to the statutory citation of Title 20 to fix a typographical error in the previous adoption.

Section 5.3.2

The Vermont Fire Service Training Council changed the standard expiration date of all certifications to June 30 from December 31 since the last rule revision. A correction was made to the language of this section to clarify the intent that changes to recertification requirements must be made in a manner that allows for adequate notice to be made to certification holders with respect to the start of a new certification term.

Section 5.3.4

A correction was made to the title of referenced NFPA standards within the rule.

Section 5.5.1.3

The currently adopted rule allows for firefighter certifications that were issued by accredited out of state entities to be recognized reciprocally within three years of the certification being issued. This section is modified to allow for reciprocal recognition of accredited out of state certifications regardless of the time elapsed since issuance, provided the applicant has met or exceeded the Vermont firefighter recertification requirements each year since earning initial certification.

Section 5.5.1.5

This is a new section that establishes a process for applying for reciprocity using approved forms and identifies how an applicant provides proof of continued training since earning initial certification. This section was added to provide guidance and clarity to the process.

Section 5.5.1.6

This is a new section that authorizes denial of reciprocity for any applicant who is found to have intentionally submitted fraudulent or inaccurate documentation of previous training records.

Section 5.5.2

This section is modified to clarify the allowance for reciprocity to be granted for the fulfillment of prerequisite training requirements when required for upper-level training programs and not for Vermont certification. This allows an individual who has previous training to participate in a higher-level training program without the burden of providing proof of continued training since earning initial certification.

Section 5.5.2.3

This section is deleted to encourage tenured firefighters to seek upper-level training. Under the currently adopted rule, some tenured firefighters were prohibited from attending upper-level training because their original certifications were not recognized due to their age. This restriction was determined to be unnecessary due to Vermont's recertification requirements which promotes certified firefighters to remain current with their knowledge and skills.

Section 5.5.3

The language used in this section was modified to add clarity. There is no change in content or intent.

Section 9

It is the intent of the Council to make the rules revisions effective 15 days from the adopted date.

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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1. TITLE OF RULE FILING:

Vermont Fire Service Training Council Rules

2. ADOPTING AGENCY:

Vermont Fire Service Training Council

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Secretary of State Rule Log #20-018, CVR 80-100-001,
effective February 15, 2020



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: November 13, 2023, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Brendan Atwood, Jared Adler, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, and Nicole Dubuque

Minutes By: Melissa Mazza-Paquette and Anna Reinold

- 2:02 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the October 9, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note the following emergency rules were supported by ICAR Chair:
 - On 10/23/23: Emergency Housing Transition Benefit, by the Agency of Human Services, Department for Children and Families
 - This emergency rule is necessary to continue providing emergency housing assistance in accordance with Act 81.
 - Act 81 established an emergency housing transition benefit that provides continued housing in a hotel or motel for households that were housed through the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023. Under Act 81, the transition benefit ends April 1, 2024. This emergency rule maintains the eligibility criteria initially established in 23-E05, with the following changes: 1) language clarifying that a household must accept and maintain a hotel or motel housing placement for the duration of the eligibility reassessment period to maintain eligibility for the transition benefit; 2) not including “upon expiration of the eligibility reassessment period” from rule 2652.5(D)(i) to align with the requirement in Act 81 that eligibility terminate upon noncompliance with the criteria established in the Act; 3) new definition of misconduct; 4) language addressing hospital-level care and short-term alternative housing placements; and 5) language addressing notice and appeal rights.
 - On 10/23/23: Expansion of Eligibility Criteria for Temporary Housing Assistance, by the Agency of Human Services, Department for Children and Families
 - This emergency rule is necessary to continue providing temporary housing assistance to families with children under 18 years of age and calculating the income contribution based on average or current daily motel rate.
 - Temporary housing assistance under the General Assistance program provides up to 84 or 28 days of housing in a hotel or motel. Households that are without housing due to a catastrophic situation may be eligible for up to 84 days. Households that are ineligible under catastrophic criteria may be eligible for up to 28 days if the household has a member belonging to a vulnerable population. This rule maintains categorical eligibility for 28 days of housing for families with children under 18 years of age or who are 18 or 19 years of age and attending school, as initially established in 23-E05. This rule also maintains the update to the basic needs standard chart in rule 2652.4 and the methodology for calculating the 30 percent income contribution in rule 2652.4, as

initially established in 23-E05. This rule adds language addressing lodging licensing violations. Criteria related to the Act 81 transition benefit are not included in this rule and will be included in a separate emergency rule.

- Public comments made by Jay Greene, Office of Racial Equity regarding the General Assistance Temporary Housing Assistance proposed rule by the Department for Children and Families
- Presentation of Proposed Rules on pages 3-6 to follow.
 1. Rules Governing Medications for Opioid Use Disorder, Department of Health, page 3
 2. General Assistance Temporary Housing Assistance, Department for Children and Families, page 4
 3. Regulations for Lead Control, Agency of Human Services, Department of Health, page 5
 4. Vermont Fire Service Training Council Rules and Policies, Vermont Fire Service Training Council, page 6
- Next scheduled meeting is December 11, 2023 at 2:00 p.m.
- 3:11 p.m. meeting adjourned.

DRAFT

Proposed Rule: Vermont Fire Service Training Council Rules and Policies, Vermont Fire Service Training Council

Presented By: Michael Skaza and John Marcus

Motion made to accept the rule by Mike Obuchowski, seconded by John Kessler, and passed unanimously with the following recommendations:

1. Title: Strike 'policies' from the title, as ICAR is not a policy making committee.
2. Proposed Filing – Coversheet:
 - a. #8 and #9: Provide details about what is changing.
 - b. #16: Include the word 'firefighter'.
3. Economic Impact Analysis: Highlight the positive economic impact of the proposed changes and include an illustrative example.

DRAFT

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Vermont Fire Service Training Council Rules

2. ADOPTING AGENCY:

Vermont Fire Service Training Council

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Firefighters and fire departments will be impacted and see economic benefits from this rule. The proposed amendment eases the requirements for recognizing firefighter certifications that were issued by accredited out of state entities. This saves the expense of having new hires re-tested and reduces obstacles to hiring out of state candidates. This

amendment will make it easier to hire out of state applicants into vacant firefighter positions by removing barriers to recognizing existing certifications, saving municipal fire departments the expense of overtime due to vacancies.

Local fire departments have estimated that \$500 to \$1,000 will be saved per out-of-state new hire because their previous certifications will be recognized and they will not have to be re-tested upon gaining employment in Vermont. It is also estimated that in some cases, newly hired firefighters could gain \$500 to \$2,000 in extra wages during their first year by on-boarding sooner than they would under the current rule.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

No impact on schools.

5. ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.

There is no cost impact to local schools.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

No impact on small business.

7. SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.

There is no cost impact to businesses.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Not applicable as there is no economic impact to businesses.

9. **SUFFICIENCY: DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.**

This rule impacts firefighters and fire departments and does not provide an economic impact on schools or businesses. The Fire Service Training Council surveyed local fire departments and fire service organizations within the state on the impacts of this proposed rule change. During open public meetings, they heard from many stakeholders regarding an undue burden that the current rule was creating. These stakeholders provided information on how this rule amendment would ease their burden, reduce vacancy costs, increase employee candidate pools, and eliminate the costs associations with re-testing previously trained and certified firefighters. The stakeholder feedback contained no indication of a negative economic impact to any business or government sector.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

This rule has no impact on the emission of greenhouse gases.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

This rule has no impact on water discharge, pollution, flow, or quality.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

This rule has no impacts on land.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

This rule has no impact on recreation.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

This rule has no impact on climate.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

There is no environmental impact caused by this rule.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

This rule is administrative in nature and has no impact on the environment. Further analysis was not necessary.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Vermont Fire Service Training Council Rules

2. ADOPTING AGENCY:

Vermont Fire Service Training Council

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The need for a rule revision was presented to the Fire Service Training Council by the Vermont Fire Academy Chief of Training and stakeholder groups at the Council meeting on November 10, 2022. Following that public meeting, the Council was actively engaged in soliciting feedback from stakeholders regarding the need for a rule change to address concerns posed by the current rule.

Feedback was received from the Vermont Career Fire Chiefs Association and discussed in an open public meeting on April 6, 2023. This feedback consisted of written recommendations from a number of Vermont Fire Chiefs. At this meeting, the Council Chair appointed a committee consisting of one Council member, one Fire Chief, and the Vermont Fire Academy Chief of Training to further analyze the problems and formulate potential solutions in the form proposed rule revisions. This issue was further warned, reported on, and discussed at a Council meeting on June 8, 2023. At this meeting,

Public Input

the Council unanimously voted to accept the proposed rule changes. This is significant public involvement because the Council is composed of representatives who are statutorily designated as stakeholders.

Further public input will be solicited during a public hearing.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

The following organizations have been involved in the development of the proposed rule and will be invited to continue their participation during the rule making process:

Vermont Fire Service Training Council, Vermont Career Fire Chiefs Association, Vermont State Firefighters Association, Vermont Fire Chiefs Association, Professional Firefighters of Vermont, local fire department leadership and personnel, staff of the Vermont Fire Academy.

Incorporation by Reference

THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g., federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

1. TITLE OF RULE FILING:

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Vermont Fire Service Training Council

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

National Fire Protection Association Professional Qualification Standards are referenced to establish the job performance requirements of certification levels that are regulated by this rule.

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:

NFPA 470: Hazardous Materials/Weapons of Mass Destruction (WMD) Standard for Responders; NFPA 1001: Standard for Fire Fighter Professional Qualifications; NFPA 1002: Standard for Fire Apparatus Driver/Operator Professional Qualifications; NFPA 1006: Standard for Technical Rescue Personnel Professional Qualifications; NFPA 1021: Standard for Fire Officer Professional Qualifications; NFPA 1031: Standard for Professional Qualifications for Fire Inspector and Plan Examiner;

NFPA 1041: Standard for Fire and Emergency Services
Instructor Professional Qualifications;

5. **OBTAINING COPIES:** *(EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST):*

The public may obtain free viewing access or purchase hardcopies of the NFPA standards at www.nfpa.org. The cost of hardcopies range from \$70 to &100 each.

6. **MODIFICATIONS** *(PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED):*

No modifications have been made to the incorporated materials.

Run Spell Check

**Vermont Fire Service Training Council Proposed Rule Filing
PUBLIC COMMENT RESPONSIVENESS SUMMARY**

A public hearing to receive comments regarding the proposed changes to the Vermont Fire Service Training Council Rules was held on January 8, 2024. This hearing was warned in the public notices published online starting December 16, 2023, and in the newspapers of record on December 14, 2024. No public attendees appeared in-person or virtually for the hearing.

The period for public comment opened on December 6, 2023 and closed on January 16, 2024. One public comment was received from Chris Dube, President of the Professional Firefighters of Vermont, endorsing the proposed rule changes. This comment was acknowledged by the Chair of the Vermont Fire Service Training Council, but since it was in support of the change, no further response was necessary.

From: [Skaza, Michael](#)
To: cdube@pffv.org
Bcc: [John P. Marcus \(he/him\)](#)
Subject: FW: Comments on Rule 23P048
Date: Thursday, January 11, 2024 10:57:00 AM

Chris,

Thank you and the PFFV for your message in support of the proposed Vermont Fire Service Training Council Rule changes. The Council agrees that steps could be taken to ease the certification reciprocity process while still ensuring that firefighters entering our system from out of state were properly certified and have maintained adequate training since becoming certified.

Your message has been shared with Council Chair John Marcus

Thanks again for your support,
Michael

-----Original Message-----

From: noreply@vermont.gov <noreply@vermont.gov>
Sent: Thursday, January 11, 2024 10:25 AM
To: Skaza, Michael <Michael.Skaza@vermont.gov>
Subject: Comments on Rule 23P048

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Comments on Rule 23P048

Reply To:cdube@pffv.org

As President of the Professional Firefighters of Vermont, I feel it paramount to weigh in on this change. As we struggle to fill vacancies in the State for career Firefighters, this change would make it easier for a candidate from outside Vermont obtain employment. We have seen a large number of candidates come from outside of Vermont with certification from other States. One challenge we have faced is obtaining Vermont certification via the reciprocity route. This change would remove some of the barriers that departments have faced, streamlining the process. This would also put us in line with what neighboring States have adopted and use for reciprocity. I feel that the challenges of recruitment will only become more challenging moving forward and this will make Vermont departments better positioned to entice and recruit people from outside of the State.

Vermont Fire Service Training Council
PUBLIC HEARING ON RULE CHANGES
Minutes of the January 8, 2024 Public Hearing

This is a public hearing to receive comments regarding the proposed changes to the Vermont Fire Service Training Council Rules, filed with the Vermont Secretary of State's Office on November 30, 2023.

The public hearing was conducted in-person at the Vermont Fire Academy, 93 Davison Drive, Pittsford, VT and virtually via Microsoft Teams. This hearing was warned in the public notices published online starting December 16, 2023, and in the newspapers of record on December 14, 2024.

Attendees: John Marcus, VFSTC Chair; Michael Skaza, VFA Chief of Training

The Microsoft Teams meeting was opened and monitored for attendees beginning at 8:45 a.m. Chairman John Marcus opened the hearing at 9:07 a.m.

At 9:30 a.m., after no public attendees appeared in-person or virtually for the hearing, the hearing was closed.

The period for public comment will remain open until the close of business on January 16, 2024. Public comments can be submitted by email to John Marcus at jmarcus@uvm.edu or to Michael Skaza at michael.skaza@vermont.gov. Comments may also be mailed to the Vermont Fire Academy, 93 Davison Drive, Pittsford, VT 05763.

Vermont Fire Service Training Council Rules

Effective: _____

1. INTRODUCTION

1.1 Adoption

1.1.1 These rules are adopted pursuant to 20 V.S.A. Chapter 179.

1.2 Purpose

1.2.1 The Vermont Fire Service Training Council provides standards for training and certification of firefighters.

1.3 Appointments to Council

1.3.1 The Governor appoints members of the Council in accordance with 20 V.S.A. § 3152.

2. DEFINITIONS

2.1 The definitions set out at 20 V.S.A. § 3151 shall be applicable for these rules:

2.1.1 "Council" means the Vermont Fire Service Training Council.

2.1.2 "Fire Service" means activities related to fire prevention, investigation, suppression or other fire related activities.

2.1.3 "Firefighter" means a member of a state, county, or municipal fire department or a privately-owned fire department, which is responsible for fire suppression, prevention, investigation or other fire related activities.

2.1.4 "Full-Time Firefighter" means a firefighter who receives compensation for performing fire service duties of a predictable and continuing nature more than 32 hours per week and more than 25 weeks per year.

2.1.5 "Chief Fire Service Training Officer" is appointed by the Commissioner of Public Safety and has the duties and powers specified in 20 V.S.A. §3154.

2.2 For the purpose of these rules, the term "Firefighter" shall include any member of the "Fire Service" as defined in section 2.1.2 of these rules.

3. COUNCIL PROCEDURES

3.1 Meetings

3.1.1 The Council shall meet at least twice a year as required by 20 V.S.A. § 3152. The date, time and place of such meetings shall be set by notice as provided in this section.

3.1.2 Special meetings may be called at any time by the Chair or upon written request of seven (7) Council members. The time, date and place shall be set by notice as provided in this section.

3.1.3 The Chief Fire Service Training Officer shall give notice of any regular or special meeting in writing to each Council member in compliance with the specific requirements of Vermont's Open Meeting law. The notice shall include the time, date and place of the meeting and an agenda. Copies of any available documents that pertain to items on the agenda shall be included.

3.1.4 The Chief Fire Service Training Officer, with advice of the Chair, shall prepare the agenda of any meeting. The agenda shall include any business required by statute to be conducted by the Council, any business to be conducted at a special meeting, any action to be taken on old business, and any matter appropriate for Council action as new business. Any member present may raise additional agenda items at the meeting.

3.1.5 Council members may appoint a person to act as his or her alternate in their absence. The alternate serves at the pleasure of the member and shall be appointed by letter to the Chair of the Council. The appointment shall be valid for the remainder of the term of the Council member and conveys full membership status in the absence of the member. The ~~chair~~Chair for good cause may grant exceptions to this procedure.

3.1.6 A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members present and voting at a meeting at which there is a quorum. Council members may fully participate in the meeting by electronic or other means without being physically present at the designated meeting location and be counted as a present member toward a quorum in accordance with 1 V.S.A. § 312(a)(2).

3.1.7 The meetings of the Council shall be presided over by the ~~chair~~Chair or, in his or her absence, by the Vice-~~chair~~Chair. In the event neither the ~~chair~~Chair nor Vice-~~chair~~Chair is present at the meeting, the Council may elect from its members there present a ~~chair~~Chair pro tempore who shall preside at the meeting.

3.1.8 Regular and special meetings shall be conducted under the committee provisions of Robert's Rules of Order, unless otherwise noted.

3.1.9 All meetings shall be open to the general public unless an executive session is invoked under 1 V.S.A., Chapter 5. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes that are exempted by Vermont law. The Chief Fire Service Training Officer shall be responsible for the keeping of all Council minutes, and for their timely preparation and dissemination to all Council members following each meeting.

3.1.10 Any Council meeting may be recessed or adjourned on the majority vote of the members or alternates present, subject at all times to the requirements of Vermont Law.

3.1.11 The means of voting at any meeting shall be determined by the presiding officer.

3.2 Officers

3.2.1 The general conduct of the duties and responsibilities of the Council shall be vested in its ~~chair~~Chair who shall preside over all meetings. The ~~chair~~Chair shall have the authority to act on behalf of the Council in all matters that have been previously approved by vote of its members.

3.2.2 In the event the ~~chair~~Chair is unable for any reason to discharge his or her duties, the vice ~~chair~~Chair shall serve as the ~~chair~~Chair.

3.2.3 The ~~chair~~Chair and ~~V~~vice-~~chair~~Chair shall be elected for a term of one (1) year upon the vote of the members at the last regular meeting of the calendar year. Nominations for ~~chair~~Chair or ~~V~~vice-~~chair~~Chair may be made from the floor or by letter of any Council member filed with the chief fire service training officer on or before the date of such election. A nomination in either manner shall be required to have a second, and the person receiving the most votes of the members present and voting shall be declared the ~~chair~~Chair or ~~V~~vice-~~chair~~Chair respectively.

3.2.4 A vacancy is created in the positions of ~~chair~~Chair or vice-~~chair~~Chair whenever either officer ceases to be a member of the Council, ceases to hold the position in government that initially qualified him or her for Council membership or upon unavailability, for any reason, for a period of six (6) months.

3.2.5 In the event the position of ~~chair~~Chair becomes vacant, the balance of his or her term shall be discharged by the ~~V~~vice-~~chair~~Chair. A new ~~V~~vice-~~chair~~Chair shall be elected in the manner provided in this section for the balance of the term. Should both the positions of the ~~chair~~Chair and ~~V~~vice-~~chair~~Chair become vacant, a new election for each office shall be held to complete the term of the officer.

3.3 Committees

3.3.1 The ~~Chair~~Chair, with the approval of the Council, may appoint such standing and special committees as necessary to assist it in conducting its business. Any ~~committee~~committee appointed shall have a written charge that describes the scope and responsibilities of the committee and the method of appointing members of the committee.

4. TRAINING

4.1 Approval of Fire Service Training

4.1.1 The Council shall approve programs of instruction that result in certification.

4.1.2 Before the Council approves a program of instruction it shall review and approve the curriculum and any prerequisites required.

4.1.3 In reviewing curriculum, the Council should compare the proposed curriculum with applicable Vermont Occupational Safety and Health Administration (VOSHA) regulations, NFPA Standards and other nationally recognized programs.

4.1.4 It shall be the responsibility of the Chief Fire Service Training Officer to inform the Council of new or updated courses.

4.2 Instructors

4.2.1 The Chief Fire Service Training Officer may approve instructors for delivery of Council approved programs that are currently certified at a minimum as a Fire Instructor I or equivalent. Fire Service Training Specialists may be appointed to assist in the delivery of courses based on subject matter expertise.

5. CERTIFICATIONS

5.1 Standards for certification of - firefighters.

5.1.1 Procedures for testing for certification shall be approved by the Council consistent with applicable nationally recognized accreditation bodies.

5.1.2 The Council shall approve prerequisites for certification exams.

5.1.3 Passage of a written and, if appropriate, other approved testing methodologies based on the curriculum specified in section 4 of these rules with a minimum grade of 70%.

5.2 Minimum basic certification for full-time firefighters

5.2.1 The minimum basic certification for a full-time firefighter in accordance with 20 V.S.A. § 3153(a)(~~12~~)(A) shall be Firefighter I. This certification shall be obtained within 12 months of a firefighter meeting the definition of full-time firefighter in section 2.1.4 of these rules.

5.2.2 A waiver of section 5.2.1 of these rules may be requested in writing to the Chief Fire Service Training Officer by the fire chief of a fire department within 12 months of a full-time firefighter's date of hire. A waiver request must include the reason why section 5.2.1 of these rules cannot be met and a plan by which the firefighter will obtain certification.

5.2.3 The Chief Fire Service Training Officer is delegated by the council to rule on a waiver request and issue a waiver after determining that reasonable circumstances exist. A waiver shall not exceed 24 months from a full-time firefighter's date of hire.

5.3 Standards for maintaining Vermont certifications issued by the Vermont Fire Academy

5.3.1 All Vermont certified firefighters shall successfully complete a minimum number of

hours of training per certification term to maintain certification. The minimum number of hours per certification term shall be based on the level of certification and shall be prescribed by the Council. Failure to complete this required training shall result in loss of Vermont certification.

5.3.2 The Council may only change the number of hours required for Vermont certification maintenance at the last regular meeting of the calendar year and the effective date of those changes shall ~~not be greater~~ sooner than the start of the next certification term. ~~one year from the date of approval.~~

5.3.3 The Vermont Fire Academy may issue Vermont certifications for a term not to exceed three (3) years.

5.3.4 All training used to maintain Vermont certifications shall be based on the job performance requirements, requisite knowledge, requisite skills, or objectives outlined in the applicable National Fire Protection Association Standard for Professional Qualifications ~~Accreditation and Certification Systems~~ for the level(s) of the certification held. The Council may require mandatory training topics for any Vermont certification level.

5.3.5 Firefighters who hold Vermont certifications at multiple levels shall be required to successfully complete training within all certification levels that they hold, but the total number of training hours required for the maintenance of Vermont certifications shall be determined by their highest level of Vermont certification.

5.4 Standards for reestablishing expired certifications issued by the Vermont Fire Academy.

5.4.1 Firefighters who fail to recertify may do so by obtaining the prescribed training hours per year within 2 years of their Vermont certification expiration date or by passing the approved challenge exam for the applicable level of certification in accordance with section 5.6 of these rules. This period shall be extended for firefighters who are members of the national guard, state guard, or reserve component and were activated or deployed in accordance with 20 V.S.A. §368.

5.5 Reciprocity

5.5.1 The Chief Fire Service Training Officer may issue reciprocal Vermont certification(s) to individual(s) who meet the requirement of sections 5.5.1.1 through 5.5.1.4 of these rules.

5.5.1.1 The applicant shall be currently affiliated with a Vermont Fire Department.

5.5.1.2 The applicant's certification shall be accredited by Pro Board, International Fire Service Accreditation Congress (IFSAC), or the United States Department of Defense (DOD).

5.5.1.3 ~~The applicant's certification was issued within the current certification term, or was issued within the previous 3 years and the applicant has~~ shall have applicable training that meets or exceeds the current recertification requirements in accordance with section 5.3~~5~~ of these rules.

5.5.1.4 The applicant shall meet any additional training requirements specified as prerequisite for certification at the applicable level as required by the Council.

5.5.1.5 The applicant shall apply for reciprocity using forms approved by the Council and provide proof of continued training as prescribed in 5.5.1.3 of these rules. Acceptable proof of continued training shall be specified on the approved forms and may include training transcripts, affidavits from previous fire departments, training providers, or employers, or other forms as approved by the Council. Said documents are to be signed by a representative of the attesting organization and the applicant.

5.5.1.6 Any applicant who is found to have submitted intentionally fraudulent or inaccurate documentation of previous training records may result in immediate denial of reciprocity.

5.5.2 The Chief Fire Service Training Officer may deem a certification as equivalent for course or program prerequisite purposes, but not for Vermont certification to individual(s) who meet the requirements of section 5.5.2.1 through 5.5.3 of these rules.

5.5.2.1 The applicant shall be currently affiliated with a Vermont Fire Department or applying to attend a Vermont Fire Academy course or program that requires recognition of prerequisite certifications.

5.5.2.2 The applicant's certification shall be accredited by Pro Board, International Fire Service Accreditation Congress (IFSAC), or the United States Department of Defense (DOD).

~~5.5.2.3 The applicant's certification shall be compliant with the current or previous 2 editions of the applicable National Fire Protection Association Standard for Professional Qualifications Accreditation and Certification Systems.~~

5.5.3 Certification Reciprocity or equivalency shall only be issued through reciprocity for certification levels that are authorized by the Council.

5.6 Challenge Certification Exams

5.6.1 Individuals who have not completed an approved Vermont Fire Academy sanctioned program or who's certification has expired may obtain certification through the challenge certification exam process.

5.6.2 The Council shall approve the certification levels for which certification can be granted through the challenge certification exam process.

5.6.3 An individual shall only be allowed to attempt the challenge certification exam process once every five years per certification level.

6. REVOCATION OF FIREFIGHTER CERTIFICATION

6.1 In addition to decertification as a result of not completing continuing annual training as required by these rules the Council may revoke a firefighter certification for any of the following grounds:

6.1.1 The holder of the certification obtained such certification through fraud or

misrepresentation of material fact.

6.1.2 The holder of the certification is convicted of a crime, provided that the acts involved are found by the Council to have a direct bearing on the person's fitness to serve the public in the capacity of a firefighter.

6.1.3 The holder of the certification is convicted of violating any section of V.S.A. Title 13, Chapter 11: Arson and Burning.

6.2 No revocation of a certification shall occur without an investigation and notice and opportunity for hearing.

7. HEARINGS AND APPEALS

7.1 Any decision relating to certification, decertification or revocation of certification may be appealed in accordance with this section.

7.2 Procedures

7.2.1 The appeal shall be filed with the Chief Fire Service Training Officer within thirty (30) calendar days of the final decision that is being appealed.

7.2.2 The Chief Fire Service Training Officer shall notify the Council of the appeal at the next Council meeting after receiving the appeal.

7.2.3 The appeal shall be in writing and contain, as a minimum, the following elements.

7.2.3.1 The name of the firefighter submitting the appeal.

7.2.3.2 The decision being appealed.

7.2.3.3 A statement of facts supporting the appeal referenced to these rules.

7.2.3.4 The requested remedy.

7.2.4 The Council shall conduct a hearing in accordance with this section within forty-five days of receiving the notice of appeal.

7.2.5 Any hearing before the Council in accordance with these rules shall be conducted in accordance with the contested case procedures of the Administrative Procedures Act. At the sole discretion of the Council the appeal may be heard by the full Council or a Committee of the Council.

7.2.6 The decision of the Council shall be considered a final decision.

8. SEVERABILITY

8.1 The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any person or circumstances is invalid, the invalidity shall not affect other provisions for applications which can be given effect without the invalid provision or application.

9. EFFECTIVE DATE

These rules shall become effective ~~02/15/2020~~. All prior certificates and approvals issued on behalf of the Council shall continue in full force and effect except as otherwise provided.

Vermont Fire Service Training Council Rules

Effective:

1. INTRODUCTION

1.1 Adoption

1.1.1 These rules are adopted pursuant to 20 V.S.A. Chapter 179.

1.2 Purpose

1.2.1 The Vermont Fire Service Training Council provides standards for training and certification of firefighters.

1.3 Appointments to Council

1.3.1 The Governor appoints members of the Council in accordance with 20 V.S.A. § 3152.

2. DEFINITIONS

2.1 The definitions set out at 20 V.S.A. § 3151 shall be applicable for these rules:

2.1.1 "Council" means the Vermont Fire Service Training Council.

2.1.2 "Fire Service" means activities related to fire prevention, investigation, suppression or other fire related activities.

2.1.3 "Firefighter" means a member of a state, county, or municipal fire department or a privately-owned fire department, which is responsible for fire suppression, prevention, investigation or other fire related activities.

2.1.4 "Full-Time Firefighter" means a firefighter who receives compensation for performing fire service duties of a predictable and continuing nature more than 32 hours per week and more than 25 weeks per year.

2.1.5 "Chief Fire Service Training Officer" is appointed by the Commissioner of Public Safety and has the duties and powers specified in 20 V.S.A. §3154.

2.2 For the purpose of these rules, the term "Firefighter" shall include any member of the "Fire Service" as defined in section 2.1.2 of these rules.

3. COUNCIL PROCEDURES

3.1 Meetings

3.1.1 The Council shall meet at least twice a year as required by 20 V.S.A. § 3152. The date, time and place of such meetings shall be set by notice as provided in this section.

3.1.2 Special meetings may be called at any time by the Chair or upon written request of seven (7) Council members. The time, date and place shall be set by notice as provided in this section.

3.1.3 The Chief Fire Service Training Officer shall give notice of any regular or special meeting in writing to each Council member in compliance with the specific requirements of Vermont's Open Meeting law. The notice shall include the time, date and place of the meeting and an agenda. Copies of any available documents that pertain to items on the agenda shall be included.

3.1.4 The Chief Fire Service Training Officer, with advice of the Chair, shall prepare the agenda of any meeting. The agenda shall include any business required by statute to be conducted by the Council, any business to be conducted at a special meeting, any action to be taken on old business, and any matter appropriate for Council action as new business. Any member present may raise additional agenda items at the meeting.

3.1.5 Council members may appoint a person to act as his or her alternate in their absence. The alternate serves at the pleasure of the member and shall be appointed by letter to the Chair of the Council. The appointment shall be valid for the remainder of the term of the Council member and conveys full membership status in the absence of the member. The Chair for good cause may grant exceptions to this procedure.

3.1.6 A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members present and voting at a meeting at which there is a quorum. Council members may fully participate in the meeting by electronic or other means without being physically present at the designated meeting location and be counted as a present member toward a quorum in accordance with 1 V.S.A. § 312(a)(2).

3.1.7 The meetings of the Council shall be presided over by the Chair or, in his or her absence, by the Vice-Chair. In the event neither the Chair nor Vice-Chair is present at the meeting, the Council may elect from its members there present a Chair pro tempore who shall preside at the meeting.

3.1.8 Regular and special meetings shall be conducted under the committee provisions of Robert's Rules of Order, unless otherwise noted.

3.1.9 All meetings shall be open to the general public unless an executive session is invoked under 1 V.S.A., Chapter 5. Minutes of each meeting shall be kept and made part of the public record, except portions of such minutes that are exempted by Vermont law. The Chief Fire Service Training Officer shall be responsible for the keeping of all Council minutes, and for their timely preparation and dissemination to all Council members following each meeting.

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3.2.1 The general conduct of the duties and responsibilities of the Council shall be vested in its Chair who shall preside over all meetings. The Chair shall have the authority to act on behalf of the Council in all matters that have been previously approved by vote of its members.

3.2.2 In the event the Chair is unable for any reason to discharge his or her duties, the vice Chair shall serve as the Chair.

3.2.3 The Chair and Vice-Chair shall be elected for a term of one (1) year upon the vote of the members at the last regular meeting of the calendar year. Nominations for Chair or Vice-Chair may be made from the floor or by letter of any Council member filed with the chief fire service training officer on or before the date of such election. A nomination in either manner shall be required to have a second, and the person receiving the most votes of the members present and voting shall be declared the Chair or Vice-Chair respectively.

3.2.4 A vacancy is created in the positions of Chair or vice-Chair whenever either officer ceases to be a member of the Council, ceases to hold the position in government that initially qualified him or her for Council membership or upon unavailability, for any reason, for a period of six (6) months.

3.2.5 In the event the position of Chair becomes vacant, the balance of his or her term shall be discharged by the Vice-Chair. A new Vice-Chair shall be elected in the manner provided in this section for the balance of the term. Should both the positions of the Chair and Vice-Chair become vacant, a new election for each office shall be held to complete the term of the officer.

3.3 Committees

3.3.1 The Chair, with the approval of the Council, may appoint such standing and special committees as necessary to assist it in conducting its business. Any committee appointed shall have a written charge that describes the scope and responsibilities of the committee and the method of appointing members of the committee.

4. TRAINING

4.1 Approval of Fire Service Training

4.1.1 The Council shall approve programs of instruction that result in certification.

4.1.2 Before the Council approves a program of instruction it shall review and approve the curriculum and any prerequisites required.

4.1.3 In reviewing curriculum, the Council should compare the proposed curriculum with applicable Vermont Occupational Safety and Health Administration (VOSHA) regulations, NFPA Standards and other nationally recognized programs.

4.1.4 It shall be the responsibility of the Chief Fire Service Training Officer to inform the Council of new or updated courses.

4.2 Instructors

4.2.1 The Chief Fire Service Training Officer may approve instructors for delivery of Council approved programs that are currently certified at a minimum as a Fire Instructor I or equivalent. Fire Service Training Specialists may be appointed to assist in the delivery of courses based on subject matter expertise.

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5.1 Standards for certification of firefighters.

5.1.1 Procedures for testing for certification shall be approved by the Council consistent with applicable nationally recognized accreditation bodies.

5.1.2 The Council shall approve prerequisites for certification exams.

5.1.3 Passage of a written and, if appropriate, other approved testing methodologies based on the curriculum specified in section 4 of these rules with a minimum grade of 70%.

5.2 Minimum basic certification for full-time firefighters

5.2.1 The minimum basic certification for a full-time firefighter in accordance with 20 V.S.A. § 3153(a)(1)(A) shall be Firefighter I. This certification shall be obtained within 12 months of a firefighter meeting the definition of full-time firefighter in section 2.1.4 of these rules.

5.2.2 A waiver of section 5.2.1 of these rules may be requested in writing to the Chief Fire Service Training Officer by the fire chief of a fire department within 12 months of a full-time firefighter's date of hire. A waiver request must include the reason why section 5.2.1 of these rules cannot be met and a plan by which the firefighter will obtain certification.

5.2.3 The Chief Fire Service Training Officer is delegated by the council to rule on a waiver request and issue a waiver after determining that reasonable circumstances exist. A waiver shall not exceed 24 months from a full-time firefighter's date of hire.

5.3 Standards for maintaining Vermont certifications issued by the Vermont Fire Academy

5.3.1 All Vermont certified firefighters shall successfully complete a minimum number of hours of training per certification term to maintain certification. The minimum number of hours per certification term shall be based on the level of certification and shall be prescribed by the Council. Failure to complete this required training shall result in loss of Vermont certification.

5.3.2 The Council may only change the number of hours required for Vermont certification maintenance at the last regular meeting of the calendar year and the effective date of those changes shall not be sooner than the start of the next certification term.

5.3.3 The Vermont Fire Academy may issue Vermont certifications for a term not to exceed three (3) years.

5.3.4 All training used to maintain Vermont certifications shall be based on the job performance requirements, requisite knowledge, requisite skills, or objectives outlined in the applicable National Fire Protection Association Standard for Professional Qualifications for the level(s) of the certification held. The Council may require mandatory training topics for any Vermont certification level.

5.3.5 Firefighters who hold Vermont certifications at multiple levels shall be required to successfully complete training within all certification levels that they hold, but the total number of training hours required for the maintenance of Vermont certifications shall be determined by their highest level of Vermont certification.

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5.4.1 Firefighters who fail to recertify may do so by obtaining the prescribed training hours per year within 2 years of their Vermont certification expiration date or by passing the approved challenge exam for the applicable level of certification in accordance with section 5.6 of these rules. This period shall be extended for firefighters who are members of the national guard, state guard, or reserve component and were activated or deployed in accordance with 20 V.S.A. §368.

5.5 Reciprocity

5.5.1 The Chief Fire Service Training Officer may issue reciprocal Vermont certification(s) to individual(s) who meet the requirement of sections 5.5.1.1 through 5.5.1.4 of these rules.

5.5.1.1 The applicant shall be currently affiliated with a Vermont Fire Department.

5.5.1.2 The applicant's certification shall be accredited by Pro Board, International Fire Service Accreditation Congress (IFSAC), or the United States Department of Defense (DOD).

5.5.1.3 The applicant shall have applicable training that meets or exceeds the current recertification requirements in accordance with section 5.3 of these rules.

5.5.1.4 The applicant shall meet any additional training requirements specified as prerequisite for certification at the applicable level as required by the Council.

5.5.1.5 The applicant shall apply for reciprocity using forms approved by the Council and provide proof of continued training as prescribed in 5.5.1.3 of these rules. Acceptable proof of continued training shall be specified on the approved forms and may include training transcripts, affidavits from previous fire departments, training providers, or employers, or other forms as approved by the Council. Said documents

are to be signed by a representative of the attesting organization and the applicant.

5.5.1.6 Any applicant who is found to have submitted intentionally fraudulent or inaccurate documentation of previous training records may result in immediate denial of reciprocity.

5.5.2 The Chief Fire Service Training Officer may deem a certification as equivalent for course or program prerequisite purposes, but not for Vermont certification to individual(s) who meet the requirements of section 5.5.2.1 through 5.5.3 of these rules.

5.5.2.1 The applicant shall be currently affiliated with a Vermont Fire Department or applying to attend a Vermont Fire Academy course or program that requires recognition of prerequisite certifications.

5.5.2.2 The applicant's certification shall be accredited by Pro Board, International Fire Service Accreditation Congress (IFSAC), or the United States Department of Defense (DOD).

5.5.3 Certification or equivalency shall only be issued through reciprocity for certification levels that are authorized by the Council.

5.6 Challenge Certification Exams

5.6.1 Individuals who have not completed an approved Vermont Fire Academy sanctioned program or who's certification has expired may obtain certification through the challenge certification exam process.

5.6.2 The Council shall approve the certification levels for which certification can be granted through the challenge certification exam process.

5.6.3 An individual shall only be allowed to attempt the challenge certification exam process once every five years per certification level.

6. REVOCATION OF FIREFIGHTER CERTIFICATION

6.1 In addition to decertification as a result of not completing continuing annual training as required by these rules the Council may revoke a firefighter certification for any of the following grounds:

6.1.1 The holder of the certification obtained such certification through fraud or misrepresentation of material fact.

6.1.2 The holder of the certification is convicted of a crime, provided that the acts involved are found by the Council to have a direct bearing on the person's fitness to serve the public in the capacity of a firefighter.

6.1.3 The holder of the certification is convicted of violating any section of V.S.A. Title 13, Chapter 11: Arson and Burning.

6.2 No revocation of a certification shall occur without an investigation and notice and opportunity for hearing.

7. HEARINGS AND APPEALS

7.1 Any decision relating to certification, decertification or revocation of certification may be appealed in accordance with this section.

7.2 Procedures

7.2.1 The appeal shall be filed with the Chief Fire Service Training Officer within thirty (30) calendar days of the final decision that is being appealed.

7.2.2 The Chief Fire Service Training Officer shall notify the Council of the appeal at the next Council meeting after receiving the appeal.

7.2.3 The appeal shall be in writing and contain, as a minimum, the following elements.

7.2.3.1 The name of the firefighter submitting the appeal.

7.2.3.2 The decision being appealed.

7.2.3.3 A statement of facts supporting the appeal referenced to these rules.

7.2.3.4 The requested remedy.

7.2.4 The Council shall conduct a hearing in accordance with this section within forty-five days of receiving the notice of appeal.

7.2.5 Any hearing before the Council in accordance with these rules shall be conducted in accordance with the contested case procedures of the Administrative Procedures Act. At the sole discretion of the Council the appeal may be heard by the full Council or a Committee of the Council.

7.2.6 The decision of the Council shall be considered a final decision.

8. SEVERABILITY

8.1 The provisions of these rules are severable. If any provision of a rule is invalid, or if any application thereof to any person or circumstances is invalid, the invalidity shall not affect other provisions for applications which can be given effect without the invalid provision or application.

9. EFFECTIVE DATE

These rules shall become effective. All prior certificates and approvals issued on behalf of the Council shall continue in full force and effect except as otherwise provided.

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 20 : Internal Security and Public Safety

Chapter 179 : Vermont Fire Service Training Council

(Cite as: **20 V.S.A. § 3153**)

§ 3153. Powers and duties

(a) The Council shall:

(1) Establish by rules adopted pursuant to 3 V.S.A. chapter 25:

(A) Minimum basic training courses for full-time firefighters and minimum basic training courses that shall be made available, on a voluntary basis, to other firefighters. Courses for persons who are not full-time firefighters shall be reasonable in terms of length, cost, location, and availability in light of the rural nature of the State and the high percentage of volunteer participation in fire service. They shall incorporate any distinct or limited functions performed by such firefighters.

(B) Standards for approval of fire service training courses, certification of instructors, and the grounds for revocation of approval or certification.

(C) Training requirements for certification and recertification of firefighters.

(D) Standards for recertification of firefighters who have not maintained their certification.

(E) Standards relating to waivers of the training requirements of section 3155 of this title.

(2) Encourage local governmental units to participate in the training programs established under this chapter and aid in the establishment of adequate training facilities.

(3) Serve as the lead agency for hazardous chemical or substance incident training provided to fire service personnel statewide. All State agencies providing such training to fire service personnel shall coordinate the training with the Vermont Fire Service Training Council.

(b) The Council may:

(1) subject to the provisions of 32 V.S.A. § 5, accept contributions, capital grants, gifts, services, and funds from any source;

(2) sell hats, shirts, and other memorabilia. Proceeds from these sales shall be retained by the Council to support the purposes of this chapter; and

(3) perform such acts as may be necessary or appropriate to carry out the purposes of this chapter. (Added 1987, No. 164 (Adj. Sess.), § 2; amended 1993, No. 194 (Adj. Sess.), § 12, eff. June 14, 1994; 1995, No. 63, § 73, eff. May 4, 1995; 1997, No. 74 (Adj. Sess.), § 1; 1999, No. 49, § 195; 2007, No. 8, § 2.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: Jan 16, 2024

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	23P048
Title:	Vermont Fire Service Training Council Rules.
Type:	Standard
Status:	Proposed
Agency:	Vermont Fire Service Training Council
Legal Authority:	20 V.S.A. § 3153

Summary: The Vermont Fire Service Training Council maintains rules pertaining to fire service training requirements, standards for courses, issuance of certifications, and waivers related to the training requirements for firefighters. This rule filing makes corrections to typographical errors, clarifies the

annual date by which the Council may modify recertification requirements, and eases the requirements for granting firefighter certification through reciprocity from applicants who received their certification from other states.

Persons Affected:

Firefighters and fire departments.

Economic Impact:

This proposed rule change provides a positive economic impact. The rule change eases the requirements for firefighters who gain equivalent certification outside of Vermont to obtain reciprocal certification in Vermont without undergoing knowledge and skills examinations when properly credentialed. This removes a known barrier to recruitment and hiring firefighters from out of state and lessens the burden of filling vacant firefighter positions in both career and volunteer fire departments.

Posting date:

Dec 06,2023

Hearing Information

Information for Hearing # 1

Hearing date: 01-08-2024 09:00 AM [ADD TO YOUR CALENDAR](#)

Location: Vermont Fire Academy

Address: 93 Davison Drive

City: Pittsford, VT

State: VT

Zip: 05763

Hearing

Notes:

Information for Hearing # 2

Hearing date: 01-08-2024 09:00 AM [ADD TO YOUR CALENDAR](#)

Location: Online via MS Teams

https://teams.microsoft.com/l/meetup-join/193ameeting_Mzg1OTVhNTMtMzM4MC00OWIzLTliYjEtNjk2ZmFIMzYwY2Vm40thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a22f082cec5-6726-481b-8507-b1eab7e1a777227d

City: Pittsford

State: VT

Zip: n/a

Hearing

Notes:

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary
Name: Michael Skaza, Chief of Training
Agency: Division of Fire Safety - Department of Public Safety
Address: Vermont Fire Academy, 93 Davison Drive
City: Pittsford
State: VT
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Telephone: 802-483-2754
Fax: 802-483-2464
Email: michael.skaza@vermont.gov

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Website: <https://firesafety.vermont.gov/academy/vermont-fire-service-training-council>
Address: [VIEW WEBSITE](#)

Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS BEING FILLED IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary
Name: John Marcus
Agency: Vermont Fire Service Training Council
Address: University of Vermont, 284 East Avenue,
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Keyword Information

Keywords:

Firefighter Certification

Fire Training
Certification reciprocity
Firefighter

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	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: December 4, 2023

RE: The "Proposed State Rules " ad copy to run on

December 14, 2023

PAGES INCLUDING THIS COVER MEMO:

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If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/> . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Vermont Fire Service Training Council Rules.

Vermont Proposed Rule: 23P048

AGENCY: Vermont Fire Service Training Council

CONCISE SUMMARY: The Vermont Fire Service Training Council maintains rules pertaining to fire service training requirements, standards for courses, issuance of certifications, and waivers related to the training requirements for firefighters. This rule filing makes corrections to typographical errors, clarifies the annual date by which the Council may modify recertification requirements, and eases the requirements for granting firefighter certification through reciprocity from applicants who received their certification from other states.

FOR FURTHER INFORMATION, CONTACT: Michael Skaza, Chief of Training, VT Dept of Public Safety, Division of Fire Safety, Vermont Fire Academy, 93 Davison Drive, Pittsford, VT 05763 Tel: 802-483-2754 Fax: 802-483-2464 E-Mail: michael.skaza@vermont.gov URL: <https://firesafety.vermont.gov/academy/vermont-fire-service-training-council>.

FOR COPIES: John Marcus, Vermont Fire Service Training Council, University of Vermont, 284 East Avenue, Burlington, VT 05405 Tel: 802-656-4363 E-Mail: jmarcus@uvm.edu.
