

HOUSE BILL NO. 4390

March 19, 2019, Introduced by Reps. Yaroach, Rabhi, Brann, Hertel, Sowerby, Allor, Bellino and Vaupel and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1966 PA 291, entitled
"Firefighters training council act,"
by amending sections 2 and 9 (MCL 29.362 and 29.369), as amended by
2017 PA 144, and by adding section 9c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Airport rescue firefighter" means an employee of or
- 3 volunteer assigned by a political subdivision to assist an



1 organized fire department or public safety department who is
2 certified under National Fire Protection Association standard no.
3 1003 and meets the requirements of the Federal Aviation
4 Administration under 14 CFR part 139, whose job description,
5 duties, or responsibilities include responding to an aircraft
6 accident.

7 (b) "Certificate" means a numbered document issued by the
8 state fire marshal to a person who has obtained certification under
9 this act.

10 (c) "Certification" means either of the following:

11 (i) A determination by the state fire marshal that a person
12 meets the certification requirements for a position within the fire
13 service, as established by the council under this act. Recognized
14 positions in the fire service include, but are not limited to,
15 firefighter, fire chief, public safety director, fire inspector,
16 plans examiner, fire investigator, fire officer, hazardous
17 materials responder, technical rescue responder, airport rescue
18 firefighter, and fire service instructor. Certifications for each
19 position within the fire service must comply with the Michigan
20 occupational safety and health administration general industry
21 safety standard, R 408.17411 of the Michigan Administrative Code.

22 (ii) A determination by the state fire marshal that a person
23 was employed as a firefighter before October 1, 1988 and that the
24 person is otherwise authorized under this act to be employed as a
25 firefighter.

26 (d) "Contested case" means that term as defined in section 3
27 of the administrative procedures act of 1969, 1969 PA 306, MCL
28 24.203.

29 (e) "Council" means the firefighters training council created



1 under section 3.

2 (f) "Executive secretary" means the executive secretary of the
3 council.

4 (g) "Felony" means a violation of the laws of this state,
5 another state, or the United States that is designated as a felony.

6 (h) "Firefighter" means a member of an organized fire
7 department or public safety department who is responsible for, or
8 is in a capacity that includes responsibility for, the
9 extinguishment of fires, the directing of the extinguishment of
10 fires, the directing or management of emergency response
11 activities, fire safety prevention inspection, plans examination,
12 fire investigation, hazardous materials response, technical rescue
13 response, airport rescue response, airport rescue firefighting,
14 fire service instruction, and the enforcement of the general fire
15 laws of this state and the community where he or she serves.

16 (i) "Firefighter training" means an education or training
17 program including a program eligible to receive funding from the
18 fireworks safety fund created in section 11 of the Michigan
19 fireworks safety act, 2011 PA 256, MCL 28.461, and other training
20 programs as approved by the state fire marshal, designed and
21 intended to enhance the ability of an organized fire department or
22 public safety department and the personnel of an organized fire
23 department or public safety department to safeguard life and
24 property from damage from explosion, fire, or disaster, and to
25 deliver fire suppression, emergency medical service, hazardous
26 material response, technical rescue, airport rescue and
27 firefighting, fire inspection, fire investigation, fire safety
28 education, and other related fire services.

29 (j) "Fire chief" means the individual who serves as the



1 administrative head of an organized fire department.

2 (k) "Fire inspector" means an employee of or volunteer
3 assigned by a political subdivision to assist an organized fire
4 department or public safety department whose job description,
5 duties, or responsibilities include, or who is in a capacity that
6 includes responsibility for, inspecting property for fire code
7 violations and enforcing the general fire codes of the jurisdiction
8 that he or she serves.

9 (l) "Fire instructor" means an employee of or volunteer
10 assigned by a political subdivision to assist an organized fire
11 department or public safety department, or other individual who is
12 certified to instruct 1 or more council-approved fire service
13 training programs.

14 (m) "Fire investigator" means an employee of or volunteer
15 assigned by a political subdivision to assist an organized fire
16 department or public safety department who is certified under
17 National Fire Protection Association standard no. 1033, whose job
18 description, duties, or responsibilities include investigating the
19 origin and cause of fires, and who has obtained the skills and
20 knowledge necessary to conduct, coordinate, and complete a fire
21 investigation. Fire investigator does not include a fire
22 investigator who is employed by a law enforcement agency as that
23 term is defined in section 2 of the Michigan commission on law
24 enforcement standards act, 1965 PA 203, MCL 28.602, other than a
25 public safety department, or a professional investigator licensed
26 under the professional investigator licensure act, 1965 PA 285, MCL
27 338.821 to 338.851.

28 (n) "Fire officer" means a current member of an organized fire
29 department or public safety department assigned a rank above

1 firefighter who is responsible for, or is in a capacity that
 2 includes responsibility for, performing supervisory or management
 3 responsibilities of an emergency or nonemergency nature within his
 4 or her organized fire department or public safety department. Fire
 5 officer includes titles such as sergeant, lieutenant, captain, and
 6 chief officer.

7 (o) "Fire service" means the engaging in the directing or
 8 management of emergency response activities, fire safety prevention
 9 inspection, plans examination, fire investigation, hazardous
 10 material response, technical rescue response, airport rescue
 11 response, airport rescue firefighting, fire service instruction,
 12 and the enforcement of the general fire laws of this state and the
 13 communities therein by fire service members and organized fire
 14 departments and public safety departments.

15 (p) "Fire service course" means a training course or activity
 16 that is approved by the council and meets the standard for
 17 firefighter training in subdivision (i).

18 (q) "Fire service discipline" means each of the respective
 19 certifiable fire service positions included under this act. Fire
 20 service discipline includes fire chief, fire inspector, fire
 21 instructor, fire investigator, fire officer, public safety
 22 director, plans examiner, firefighter, hazardous materials
 23 responder, technical rescue responder, and airport rescue
 24 firefighter.

25 (r) "Fire service member" or "member" means a person described
 26 in subdivision (a), (h), (j), (k), (l), (m), (n), (u), ~~(z), (ee),~~
 27 ~~(ee), or (hh).~~ **(aa), (dd), (ff), or (ii).**

28 (s) "Full-time" means employment during which an individual
 29 works scheduled shifts, is paid for all hours he or she works, and



1 works sufficient hours weekly to be classified as a full-time
2 employee by the applicable employing political subdivision.

3 (t) "Hazardous materials" means any chemical, substance,
4 compound, mixture, or other material defined as, designated as,
5 listed as, or having the same characteristics as any chemical
6 substance, compound, mixture, or material defined as, designated
7 as, or listed as hazardous under federal or state law or
8 regulations.

9 (u) "Hazardous materials responder" means an employee of or
10 volunteer assigned by a political subdivision to assist an
11 organized fire department or public safety department who is
12 certified under National Fire Protection Association standard no.
13 1072 and who is trained to or whose responsibilities include,
14 responding to and being actively involved with the mitigation of a
15 hazardous materials incident including a weapon of mass destruction
16 event.

17 (v) "Hazardous materials response" means any response to an
18 event involving any chemical, substance, compound, mixture, or
19 other material defined as, designated as, listed as, or having the
20 same characteristics as any substance, compound, mixture, or
21 material defined as, designated as, or listed as hazardous under
22 federal or state law or regulation.

23 (w) "Organized fire department" means that term as defined in
24 section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

25 (x) "Paid on-call" means employment during which an individual
26 works on an on-call basis, is paid for all hours he or she works,
27 and only occasionally works scheduled shifts.

28 (y) "Part-time" means employment during which an individual is
29 paid for all hours he or she works and works scheduled shifts but



works fewer hours weekly than the hours necessary to be classified as a full-time employee by the applicable employing political subdivision.

(z) "PFAS chemicals" means a class of fluorinated organic chemicals containing at least 1 fully fluorinated carbon atom and designed to be fully functional in firefighting foam formulations.

(aa) ~~(z)~~—"Plans examiner" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department who is certified under National Fire Protection Association standard no. 1031 and whose job description, duties, or responsibilities include conducting plan reviews of construction documents for compliance with the general fire codes of the community that he or she serves.

(bb) ~~(aa)~~—"Political subdivision" means a county, municipality, school district, or any other local governmental unit, agency, body, board, or commission but does not include a state department, board, commission, or agency of state government.

(cc) ~~(bb)~~—"Public safety department" means a department of a political subdivision providing both law enforcement and fire services either separately or utilizing a combined response force with personnel trained and certified as both firefighters under this act and law enforcement officers under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, under the direction and administration of a single director.

(dd) ~~(cc)~~—"Public safety director" means the individual who serves as the administrative head of a public safety department.

(ee) ~~(dd)~~—"Rule" means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to



1 24.328.

2 (ff) ~~(ee)~~ "Technical rescue responder" means an employee of or
 3 volunteer assigned by a political subdivision to assist an
 4 organized fire department or public safety department who is
 5 certified under National Fire Protection Association standard no.
 6 1006 and who has received training in the application of special
 7 knowledge, skills, and equipment to safely resolve unique and
 8 complex rescue situations.

9 (gg) ~~(ff)~~ "Technical rescue response" means those aspects of
 10 saving life or property that employ the use of tools and skills
 11 that exceed those normally reserved for firefighting, medical
 12 emergency, and rescue. These disciplines include, but are not
 13 limited to, rope rescue, confined space rescue, trench and
 14 excavation rescue, and building collapse rescue.

15 (hh) ~~(gg)~~ "Volunteer" means appointment or employment for
 16 which an individual receives no compensation for work provided, or
 17 appointment or employment for which an individual receives
 18 compensation in the form of reasonable expenses incurred during the
 19 course of his or her appointment or employment or other reasonable
 20 benefits, including, but not limited to, length of service awards
 21 or nominal fees.

22 (ii) ~~(hh)~~ "Volunteer firefighter" or "paid on-call
 23 firefighter" means an individual who is charged with the prevention
 24 or suppression of fires and who is directly engaged in the hazards
 25 of firefighting or in charge of a designated fire company or
 26 companies that are directly engaged in the hazards of firefighting
 27 on a volunteer or paid on-call basis. Volunteer or paid on-call
 28 firefighter does not include a full-time firefighter.

29 Sec. 9. (1) The state fire marshal, with the approval of a

majority of the council, shall prepare and publish rules that establish minimum standards for certification as a fire service member. The standards established under this section must comply with the Michigan occupational safety and health administration general industry safety standard, R 408.17411 of the Michigan Administrative Code **and section 9c**. To maintain compliance with the Michigan occupational safety and health administration general industry safety standard, R 408.17411 of the Michigan Administrative Code, the employer of a fire service member shall provide initial and continued training to the member commensurate with and specific to the duties that the member is expected to perform. The training described in this section **and section 9c** must be provided before the member is permitted to perform emergency operations.

(2) The state fire marshal, with the approval of a majority of the council, shall do all of the following:

(a) Create advisory standards of physical, criminal history, and educational fitness that govern the recruitment, selection, and certification of a person as a fire service member.

(b) Develop and administer certification examinations, testing procedures, and reciprocity recognition for credentialing in the various fire service disciplines recognized under this act. The requirements for each fire service discipline must meet the respective professional qualifications in the current and appropriate National Fire Protection Association standard.

(c) Establish subordinate regional training centers in strategic geographic locations in order to serve the greatest number of organized fire departments and public safety departments that are unable to support their own training programs.



(d) Develop and administer certification examinations that include a practical demonstration and a written or oral test to determine a person's competency in regard to the knowledge and skill requirements in the current edition of the National Fire Protection Association standards for each of the fire service disciplines recognized under this act. The state fire marshal, or his or her designee, shall, upon request, administer the examination in each county of this state not less than once annually. The examination may be administered in 2 parts. If the examination is administered in 2 parts, part 1 of the examination must test the knowledge and skill requirements set forth in the standards for fire fighter I in the current edition of the standards for Fire Fighter Professional Qualifications, National Fire Protection Association standard no. 1001, and part 2 of the examination must test the knowledge and skill requirements set forth in the standards for fire fighter II in the current edition of the standards for Fire Fighter Professional Qualifications, National Fire Protection Association standard no. 1001. The examination may also be administered as a combined fire fighter I and fire fighter II examination if a combined examination is requested by a county training committee or regional training center.

(e) Establish eligibility criteria for students to retake a failed written, oral, or practical certification examination.

(3) A person who is hired or appointed as a full-time or part-time firefighter shall pass both part 1 and part 2 of the certification examination described in subsection (2) (d) not more than 12 months after he or she is hired or appointed as a full-time or part-time firefighter to be eligible to continue his or her



1 employment or appointment as a full-time or part-time firefighter.

2 (4) A person who is hired or appointed as a volunteer or paid
3 on-call firefighter shall pass part 1 of the certification
4 examination described in subsection (2) (d) not more than 24 months
5 after he or she is hired or appointed as a volunteer or paid on-
6 call firefighter to be eligible to continue his or her employment
7 or appointment as a volunteer or paid on-call firefighter, as
8 applicable.

9 (5) The certification examination requirement under this
10 section does not apply to a person who was employed or under
11 appointment as a firefighter on or before October 1, 1988, unless
12 the person subsequently seeks to change his or her status from a
13 volunteer or paid on-call firefighter to a part-time or full-time
14 firefighter.

15 (6) The state fire marshal may waive the examination
16 requirements under this section for a veteran who served in and is
17 separated from the armed forces and provides a form DD214, a form
18 DD215, or any other form that is satisfactory to the department of
19 licensing and regulatory affairs that demonstrates that he or she
20 was separated from service with an honorable character of service
21 or under honorable conditions (general) character of service, upon
22 verification that the veteran completed firefighter training that
23 meets the standards for fire fighter I and fire fighter II in the
24 standards for Fire Fighter Professional Qualifications, National
25 Fire Protection Association standard no. 1001, while serving in the
26 Armed Forces of the United States. As used in this subsection,
27 "armed forces" means the Army, Air Force, Navy, Marine Corps, Coast
28 Guard, or other military force designated by Congress as part of
29 the Armed Forces of the United States.

1 (7) Except as otherwise provided in this subsection, the state
2 fire marshal shall waive the examination requirements under this
3 section and extend reciprocity certification to a person from
4 another state who seeks to become employed or volunteer in the fire
5 service in this state if the person was certified in the other
6 state after successfully completing a program that meets or exceeds
7 the National Fire Protection Association standards for the
8 applicable fire service discipline recognized under this act. The
9 state fire marshal shall not waive the certification examination
10 for a person who was certified in another state if either of the
11 following applies:

12 (a) The person's out-of-state certification was revoked by
13 that state or another issuing organization.

14 (b) The person has been convicted of a felony under the laws
15 of this state, another state, or the United States.

16 (8) Certification as a fire service member granted to a person
17 under this act is valid unless or until the council revokes the
18 certification as part of a disciplinary action.

19 (9) The state fire marshal shall issue a certificate to a
20 person who is certified under this act not more than 30 days after
21 the person becomes certified. A certificate issued under this act
22 remains the property of the state fire marshal.

23 (10) The state fire marshal and the council shall review and
24 monitor the state and federal standards relating to live fire
25 training exercises in structures and make recommendations regarding
26 the general industry safety standards for any new or modified
27 standards necessary for the protection of firefighter trainees
28 under part 74 of the Michigan occupational safety and health
29 administration general industry safety standard, R 408.17401 to R



1 408.17464 of the Michigan Administrative Code.

2 (11) Not later than 1 year after obtaining a waiver of the
3 examination requirements under subsection (6) or (7), the veteran
4 or person certified in another state must complete the training
5 required under section 9c.

6 Sec. 9c. (1) Firefighting foam concentrate containing PFAS
7 chemicals must not be used in any firefighter training required
8 under this act.

9 (2) Firefighter training required under this act must include
10 both of the following subjects regarding PFAS chemicals:

11 (a) The proper use, handling, and storage of firefighting foam
12 concentrate containing PFAS chemicals.

13 (b) The best environmental and public health practices,
14 including, but not limited to, containment and proper disposal, and
15 decontamination of the firefighter's equipment and body, following
16 the use of firefighting foam concentrate and water containing PFAS
17 chemicals.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.

