

Michigan Office of Administrative Hearings and Rules

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Fire Services

Name of person completing this form:

Andrea Keown

Phone number of person completing this form:

517-335-3539

E-mail of person completing this form:

keowna@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2019-21 LR

Title of proposed rule set:

Fire Fighters Training Council

3. Purpose for the proposed rules and background:

This rule set deals with the administrative procedures and processes governing the scope, authority and conduct of the Michigan Firefighters Training Council and the approval and certification of courses, instructors, institutions and fire fighter credentials in the state. The Firefighters Training Council Act (Public Act 291 of 1966) was recently amended by Public Act 144 of 2017, which took effect on January 31, 2018.

4. Summary of proposed rules:

Agency Report to JCAR-Page 2

The public hearing is being held to receive comments on proposed rules amendments to the Fire Fighters Training Council Rules. These rules are required under the Fire Fighters Training Council Act of 1966 (Public Act (PA) 291 of 1966). Section 9 of the Act (MCL 29.369) requires the Council to prepare and publish advisory standards of physical, education, mental and moral fitness to govern the recruitment, selections and appointment of fire fighters, and for the approval of fire fighter training schools. Section 16 of the Act (MCL 29.376) requires the Council to adopt rules. The Fire Fighters Training Council rules have not been updated since 2016. PA 291 of 1966 has been amended several times since these rules were first promulgated and the current rule set does not reflect the requirements in the current statute as amended. The proposed rule set will bring the rule set up to date with current law.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

The Mining Journal - March 1, 2021, Oakland Press - March 1, 2021, The Grand Rapids Press - March 1, 2021, The Michigan Register - March 1, 2021

6. Date of publication of rules and notice of public hearing in Michigan Register:

3/1/2021

7. Date, time, and location of public hearing:

3/24/2021 11:00 AM at Zoom Virtual Meeting , [https://us02web.zoom.us/j/89927287165?](https://us02web.zoom.us/j/89927287165?pwd=NzJZZ3QwclNZaEZtM1JyaldzVmRqUT09)
pwd=NzJZZ3QwclNZaEZtM1JyaldzVmRqUT09 Password: Z35tK0

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTtransaction?TransactionID=22>

9. List of the name and title of agency representative(s) attending public hearing:

Ann Searles, Deputy Director, Bureau of Fire Services, Andrea Keown, Department Technician, Bureau of Fire Services, Fire Fighter Training Division, Kevin Sehlmeier, Michigan Fire Marshal, Bureau of Fire Services, Fire Fighter Training Division, Robert Stokes, Regional Coordinator, Bureau of Fire Services, Fire Fighter Training Division, Dan Hammerberg, Regional Coordinator, Bureau of Fire Services, Fire Fighter Training Division, Hollie Metts, Assistant to the Michigan Fire Marshal, Bureau of Fire Services, Fire Fighter Training Division

10. Persons submitting comments of support:

Agency Report to JCAR-Page 3

Shaun Abbey, Mark Fankhauser, Mark Docherty, Jack Johnson, Jr., Richard Clark, Alex Koshorek, Justin Fox, Bryce Tracy, Matthew Sahr, Christopher Dean, Jesse Marcotte, Nicholas Vaught, Kevin Edmond, Eric Thomas, Steve Heim, Chris Krotche, Jim Daveluy, Shawn Allen, Kevin Retzloff, Liam Carroll, John Polzin, Chris Lince, Doug Bourgeois, Rob Scott, Sean Canto, Joe Grutza, Charles Pichan, Mike Harper, Roger Bebeau, Nicholas Gettel, Josh Gray, Christopher Love, Anthony Watts, Steve Mojzuk, Jeff Friedenstab, Jamal Mickles, Jeffrey Forbes, Robert Massey, Brian Rayle, James Edwards, Stacy Taylor, Donald Bigger, Adam Pielecha, Adam Tiefenbach, Alfie Green, Amy Dunn, Andrew Gibson, Bill Pawluk, Bob Hoffman, Brandon Heath, Brenda Glore, Brian P. Kazmierzak, Christopher Keller, Dan Oleniczak, Darin Balinski, Dave Papandrea, David Van Slooten, Dustin Hennessy, Frankie Cruz, Harold Elmore, Jr., James Smielewski, Jeff Brady, Jim Yuill, John H. Newman, John R. Kramer, Jonathan Stone, Justin Britton, Justin Holmes, Kevin Christiansen, Kevin Retzloff, Kyle Lewis, Larry Gambotto, Logan Sweet, Lucas Golden, Mark J Guerra Jr., Matt Nowiski, Matt Wyszczelski, Matthew Adamek, Michael Becker, Michael Hertzberg, Michael Hewartson, Michael J. Sarnowski, Mike Burke, Mike Thoms, Nicholas Gettel, Pat Conely, Pat Du Vall, Paul F. Fabiano, Paul Zybur, Philip Hall, Ronald J Palmer, Samuel Schmitt, Sara Cottington-Heath, Scott Veldman, Terrence H. Chesney, Zac Roland

11. Persons submitting comments of opposition:

Kyle Svoboda, Chris Mantels, Michael McLeieer, Robert Cairnduff, Adam Carroll, Mark Cleveland, Mike Vogt, Chris Coughlin, Robert Smith, Al Avery, Blake Spillers, cbx1050max@aim.com, Charles F. McCormick IV, Christopher Stoecklein, David E. Molloy via Renee Landis (City of Novi Administrative Assistant), Dennis C. Wilkins, Don Munn, Elmer J. Hitt, Eric Mackinnon, Gerald A. Luedeking, Greg Flynn, Greg Lelito, Jack L. Snyder, Jr., Jason Wright, Jeff Drake, Jeff Roberts, Jeff Roberts on behalf of the Michigan Association of Fire Chiefs via Stephanie Johnson, Jeffery R. Johnson, Jeffrey Niemeyer, Johnny L. Menifee, Josh Judsen, Josh Mosher, Kurt Knight, Lee Gould, Lisa Nocerini, Marsha Drouin, Marshall Saylor, Matt Overholt, Max Kulpinski, Michael Cecchini, Michael Keefe, Michael Pionke, Nicholas J. Arnold, Noel Clason, Paul Hapke, Paul Wells, Phillip W. Kerns, Richard A. Huff, Robert Stevenson on behalf of Michigan Association of Chiefs of Police via Stephanie Johnson, Roger D. Squiers, Ryan Fantuzzi, Steven McKellar, Thea Dornbush, Tom Kidd and Janelle Ruff, Tom Talbot, Travis Heiman, Vincent Smith

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	Chris Mantels, Saugatuck Township Fire Department		Regarding memorandum of understanding (MOU). The current draft rules do not treat the different fire service disciplines the same. I currently	Changing the requirement to read "After the effective date of these rules, the bureau will become a Pro Board® agency for the following classification:	R 29.403(5)

Agency Report to JCAR-Page 4

		<p>have a Pro-Board Fire Instructor 2 certificate, that the State of Michigan will not accept, and as I interpret the draft rules, may never accept unless a memorandum of understanding is signed with the Pro-Board agencies. For many years, Michigan State Police has taught arson school to Fire Investigators, and the Michigan Fire Inspectors Society has taught the NFPA Fire Inspector program. Both programs have awarded a Pro-Board certificate, that has been accepted by the Bureau of Fire Services, without a memorandum of understanding. Why now, are we singling out one accredited organization in Pro-Board, by requiring an MOU?</p>	<p>(a) Fire Fighter I with HazMat Ops (b) Fire Fighter II (c) Fire Fighter I&II with HazMat Ops (d) Fire Officer I (e) Fire Officer II (f) Fire Officer III (g) Fire Officer IV (h) Fire Instructor I (i) Fire Instructor II (j) Fire Instructor III”</p>	

Agency Report to JCAR-Page 5

2	Al Avery, Mendon Fire Department		Regarding reciprocity recognition for credentialing. Pro Board is the accrediting body for agencies that certify candidates to the disciplines and levels identified in the National Fire Protection Association (NFPA) professional standards. Currently there are over 70 agencies accredited by the Pro Board that offer accredited certification to fire service professionals across the country and around the globe. The requirement of the Bureau maintaining an MOU with multiple Pro Board approved organizations across the country is an administrative redundancy and does not enhance firefighter training in any meaningful capacity.	Changing the requirement to read “After the effective date of these rules, the bureau will become a Pro Board® agency for the following classification: (a) Fire Fighter I with HazMat Ops (b) Fire Fighter II (c) Fire Fighter I&II with HazMat Ops (d) Fire Officer I (e) Fire Officer II (f) Fire Officer III (g) Fire Officer IV (h) Fire Instructor I (i) Fire Instructor II (j) Fire Instructor III”	R 29.404
3	Al Avery,		Regarding exam	Changing the	R 29.405

Agency Report to JCAR-Page 6

<p>Mendon Fire Department</p>	<p>requirements. As proposed, R 29.405 list specific criteria for attendance of courses, the make-up of missed class hours, and enforcement of the bureau's make-up policy. It is our position the requirements outlined in the proposed rule are not necessary nor relevant to the curriculum. The programs are all standard and students must successfully complete knowledge and skill evaluations for certification. It is important for fire departments across the state to maintain flexibility on how individuals can obtain the necessary training to demonstrate the skill and aptitude to qualify for certification.</p>	<p>requirement to read "An individual who attends a council-approved firefighter course or courses to qualify for the certification examinations shall comply with both of the following: (a) An individual shall not be absent from more than 10% of the total in-person or virtual hours of an entire course as validated by the course manager, subject to the following: (i) A course manager may provide flexibility in attendance as needed in firefighter courses due to the length of the course and an individual's employment obligations. (ii) An individual who is provided flexibility in attendance shall make up missed lecture hours and classes before the scheduled ending date of the course. (iii) An individual shall meet 100% of the practical skills hours.</p>
-------------------------------	---	---

Agency Report to JCAR-Page 7

				(iv) A course manager shall enforce the bureau's make up policy."	
4	Jeffery R. Johnson, City of Novi Fire Department		Regarding classification of public safety director. The rules provide no exemption for a Public Safety Director who is strictly serving as an Executive Administrator to oversee a Police and Fire Department Agency. This is unreasonable and should take into consideration a Public Safety Director who does not actively engage in firefighting (inactive) and only functions as the Executive Administrator for an Agency.	Changed the classification to read, "If the AHJ expects the public safety director to serve in an operational capacity, that individual must meet the following:"	R 29.405m
5	Jeffery R. Johnson, City of Novi Fire Department		Regarding continuing education. R 29.418 as proposed outlines specific continuing education requirements for the various certification classifications. Specifically, (5)	Changing the requirement to read "A fire officer I or an individual with a higher certification classification, shall complete 12 hours of fire officer continuing education and shall obtain the required hours of	R 29.418

		<p>(a) requires a minimum of 36 hours during a 3-year cycle with a minimum of 6 hours per year. It is important that fire personnel maintain standards and continuing education is a part of ensuring that all current standards are in practice. Fire stations across the state are required to meet the standards of the Michigan Occupation Safety and Health Administration (MIOSHA) which conducts inspections and requires continuing education based on duties performed. The specific requirements set forth by proposed R 29.418 and those of MIOSHA may conflict and could potentially set a department up for failure if an inspection/investigation were to occur by</p>	<p>continuing education by attending or instructing, or both, any of the following during the 3-year-cycle: (i) Chief or officer development conferences. (ii) Officer development seminars or training. (iii) Officer development courses sponsored by the National Fire Academy. (iv) Complete the next level of fire officer certification above the current officer certification.”</p>	
--	--	--	---	--

Agency Report to JCAR-Page 9

			MIOSHA due to an incident.		
--	--	--	-------------------------------	--	--

13.Date report completed:

7/15/2021