

52:27D-25

LEGISLATIVE HISTORY CHECKLIST  
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(Fire instructors--certification)

NJSA: 52:27D-25

LAWS OF: 1995 CHAPTER: 266

BILL NO: A2110

SPONSOR(S): Kelly & Foley

DATE INTRODUCED: September 12, 1994

COMMITTEE: ASSEMBLY Housing

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript  
numbers

DATE OF PASSAGE: ASSEMBLY: June 19, 1995

SENATE: October 19, 1995

DATE OF APPROVAL: November 15, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

LEGISLATIVE HISTORY CHECKLIST  
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[FIRST REPRINT]  
ASSEMBLY, No. 2110

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 12, 1994

By Assemblymen KELLY and FOLEY

1 AN ACT concerning training for certain members of the fire  
2 service and supplementing chapter 27D of Title 52 and chapter  
3 9 of Title 13 of the Revised Statutes.

4

5 BE IT ENACTED *by the Senate and General Assembly of the*  
6 *State of New Jersey:*

7 1. The Legislature finds and declares that: (a) it is in the  
8 public interest and necessary for the protection of the health,  
9 safety and welfare of both fire fighters and the general public  
10 that fire service instructors be adequately trained to perform  
11 their duties in accordance with uniform standards and  
12 requirements; (b) the Division of Fire Safety in the Department  
13 of Community Affairs, as the office empowered by statute to  
14 implement training and education services for the fire service,  
15 should most appropriately be assigned the responsibility of  
16 establishing and implementing a program of mandatory  
17 certification for all fire service instructors except for instructors  
18 of wildland and forestland fire fighters; (c) in order to provide  
19 for a system of personnel accountability on the fire ground, it is  
20 necessary and appropriate to adopt a mandatory incident  
21 management system for the fire service; and (d) it is essential to  
22 the safety of fire fighter trainees that a mechanism be  
23 established to provide assurance that all necessary precautions  
24 are taken for live fire training exercises.

25 The Legislature also finds and declares that forestland fire  
26 fighters in the State forest fire service are professional fire  
27 fighters under the jurisdiction of the Department of  
28 Environmental Protection, that training of fire fighter instructors  
29 in this department is also in the public interest and should be  
30 mandatory, and their training should be regulated and should  
31 continue under the appropriate authority of that department.

32 2. As used in this act:

33 "Commissioner" means the Commissioner of Community  
34 Affairs.

35 "Division" means the Division of Fire Safety in the Department  
36 of Community Affairs.

37 "Fire service" means the State, a county or municipal agency  
38 or fire district utilizing volunteer, career or part-paid fire  
39 fighters for rescue, fire suppression and related activities.

40 "Fire service instructor" means a career or volunteer or  
41 part-paid fire fighter who has been certified by the division to  
42 deliver fire fighter training after completing a prescribed  
43 curriculum.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AHO committee amendments adopted March 27, 1995.

1 "Fire service training organization" means any State, county or  
2 municipal agency or other entity, either public or private, which  
3 trains fire fighters.

4 "Incident management system" means a nationally recognized  
5 and organized system of rules, responsibilities and standard  
6 operating procedures used to manage emergency operations.

7 "Live fire training" means training that involves any open  
8 flame or device that can propagate fire.

9 3. a. A person providing training in a course for the fire  
10 service approved or offered by the division shall be certified by  
11 the division as a fire service instructor. The division shall be  
12 authorized to accept for certification the training credentials of  
13 instructors trained in other jurisdictions.

14 b. Training programs offered or approved by the division shall  
15 be provided by the division directly or by a fire service training  
16 organization utilizing instructors certified and facilities approved  
17 by the division. These training programs shall be available to all  
18 eligible fire fighters and to other persons, at the discretion of the  
19 division.

20 c. The division shall certify persons who successfully complete  
21 an instructor training program established in accordance with  
22 rules and regulations promulgated by the commissioner.

23 4. The commissioner shall promulgate rules and regulations for  
24 the establishment of a mandatory incident management system to  
25 be used by the fire service.

26 5. a. Within six months after the effective date of this act,  
27 the commissioner shall promulgate, in accordance with the  
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
29 seq.), and after consulting with the Fire Safety Commission,  
30 regulations establishing a permit program for the purpose of  
31 regulating live fire training activities. Regulations promulgated  
32 pursuant to this section shall be primarily based on standard 1403  
33 established by the National Fire Protection Association and any  
34 other national standard, which may be adopted by reference. The  
35 regulations adopting standards by reference may include such  
36 modifications of these standards as the commissioner deems  
37 necessary. The regulations at a minimum shall assure that all  
38 necessary safety precautions are taken during live fire training  
39 exercises. They shall include a safety checklist for fire service  
40 instructors in charge which shall be completed before any live  
41 fire training exercise proceeds.

42 b. A fire service training organization shall not conduct a live  
43 fire training exercise until it has received a permit issued by the  
44 division. In its application for a permit, an organization shall  
45 provide such information as the commissioner shall specify,  
46 including, but not limited to, <sup>1</sup>[the date and time of the  
47 exercise,]<sup>1</sup> the course objective, the lesson plan, and the facility  
48 or site. The division shall either issue or deny the permit within  
49 10 working days. If a permit is denied, the division shall inform  
50 the applicant of the reason for the denial and of any measures  
51 necessary to bring the application into compliance.

52 6. The commissioner shall enforce and administer sections 3,  
53 4, and 5 of P.L. , c. (C. )(now pending before the  
54 Legislature as this bill) and shall be authorized to issue

1 compliance orders to persons and public entities in violation  
2 thereof, to petition the Superior Court for injunctive relief  
3 enforcing any compliance order, to levy and collect civil  
4 penalties of not more than \$500 per violation and to institute  
5 summary proceedings under "the penalty enforcement law,"  
6 N.J.S.2A:58-1 et seq. in the Superior Court to recover penalties  
7 previously levied. Each day that a violation continues after  
8 notice to cease has been given by certified mail or personal  
9 service shall be deemed a separate violation.

10 7. In accordance with the legislative findings and declarations  
11 in section 1 of P.L. , c. (C. )(now pending before the  
12 Legislature as this bill), training for fire service instructors of  
13 forestland fire fighters shall be mandatory and shall be  
14 implemented under the authority and pursuant to regulations of  
15 the Department of Environmental Protection. This training  
16 requirement shall apply to instructors of fire fighters with the  
17 State forest fire service in the Division of Parks and Forestry of  
18 the Department of Environmental Protection whose job  
19 descriptions, duties and training standards are determined,  
20 regulated and implemented by the State forest fire service in  
21 accordance with standards of the United States Forest Service  
22 and of nationally recognized forest fire service associations or  
23 organizations.

24 8. This act shall take effect on the first day of the sixth month  
25 after enactment.

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30 Requires DCA to certify fire instructors, approve live fire  
31 training, adopt incident management system.

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26 STATEMENT

27  
28 This bill seeks to improve the safety and efficiency of career  
29 and volunteer fire fighters both at training exercises and fire  
30 scenes.

31 The bill would establish a mandatory certification program for  
32 fire service instructors. The Division of Fire Safety in the  
33 Department of Community Affairs would be responsible for  
34 assuring that anyone teaching fire service training courses  
35 offered or approved by the division has been certified as an  
36 instructor in compliance with its standards.

37 The bill recognizes that professional forestland fire service  
38 instructors with the State forest fire service in the Division of  
39 Parks and Forestry of the Department of Environmental  
40 Protection and Energy must be trained and should continue to be  
41 trained under the authority and regulations of the Department of  
42 Environmental Protection and Energy.

43 The bill requires the adoption of an incident management  
44 system to be used by the fire service to enhance the level of  
45 personnel accountability at a fire. This system provides for a  
46 coordinated attack on the emergency by controlling the position  
47 and function of all fire fighters, regulates rest and work cycles,  
48 and provides a safety focus at the scene of each fire. Every level  
49 of the command organization is expected to look out for the  
50 safety and survival of those below them. This approach enables  
51 the entire fire fighting team to understand, operate, and react in  
52 a standard, survivable manner and provides for the tracking of  
53 personnel by both location and function.

54 The bill also establishes a permitting program in the Division of

1 Fire Safety to regulate live fire training activities. A live fire  
2 training activity is one which involves any open flame or device  
3 that can propagate fire.

4 The bill would require a fire service training organization to  
5 obtain a permit from the division before carrying out a live  
6 training activity. In granting the permit, the division would  
7 require assurance that the live fire training requirements would  
8 be carried out in accordance with National Fire Protection  
9 Association Standard 1403 and any other national standard which  
10 may be modified by the Commissioner of Community Affairs.

11 This provision was prompted by an incident in November, 1992,  
12 in which three fire fighter trainees were injured, one seriously,  
13 when exposed to unexpectedly high temperatures within an old  
14 school bus used as a "smoke house" as part of a training  
15 exercise. The provisions of the bill reflect recommendations of a  
16 fire fighter injury report by the Division of Fire Safety and a  
17 presentment of a Morris County grand jury.

18 Live fire training in a training center burn building or a  
19 suitable acquired building is an excellent means of training fire  
20 fighters. While this type of training provides high levels of  
21 realism, it also entails most of the hazards of interior fire  
22 fighting at an actual emergency. Live fire training exercises  
23 must be planned with great care and supervised by properly  
24 trained instructors. That is why the voluntary instructor  
25 certification program offered by the Department of Community  
26 Affairs needs to be replaced with one that is mandatory, as  
27 provided for in this bill.

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32 Requires DCA to certify fire instructors, approve live fire  
33 training, adopt incident management system.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2110

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 27, 1995

The Assembly Housing Committee favorably reports Assembly Bill No. 2110, with committee amendments.

This bill seeks to improve the safety and efficiency of career and volunteer fire fighters both at training exercises and fire scenes.

The bill would establish a mandatory certification program for fire service instructors. The Division of Fire Safety in the Department of Community Affairs would be responsible for assuring that anyone teaching fire service training courses offered or approved by the division has been certified as an instructor in compliance with its standards.

The bill recognizes that professional forestland fire service instructors with the State forest fire service in the Division of Parks and Forestry of the Department of Environmental Protection must be trained and should continue to be trained under the authority and regulations of the Department of Environmental Protection.

The bill requires the adoption of an incident management system to be used by the fire service to enhance the level of personnel accountability at a fire. This system provides for a coordinated attack on the emergency by controlling the position and function of all fire fighters, regulates rest and work cycles, and provides a safety focus at the scene of each fire. Every level of the command organization is expected to look out for the safety and survival of those below them. This approach enables the entire fire fighting team to understand, operate, and react in a standard, survivable manner and provides for the tracking of personnel by both location and function.

The bill also establishes a permitting program in the Division of Fire Safety to regulate live fire training activities. A live fire training activity is one which involves any open flame or device that can propagate fire.

The bill would require a fire service training organization to obtain a permit from the division before carrying out a live training activity. In granting the permit, the division would require assurance that the live fire training requirements would be carried out in accordance with National Fire Protection Association Standard 1403 and any other national standard which may be modified by the Commissioner of Community Affairs.

This provision was prompted by an incident in November, 1992, in which three fire fighter trainees were injured, one seriously, when exposed to unexpectedly high temperatures within an old school bus used as a "smoke house" as part of a training exercise. The provisions of the bill reflect recommendations of a fire fighter injury report by the Division of Fire Safety and a presentment of a Morris County grand jury.

Live fire training in a training center burn building or a suitable acquired building is an excellent means of training fire fighters. While this type of training provides high levels of realism, it also entails most of the hazards of interior fire fighting at an actual emergency. Live fire training exercises must be planned with great care and supervised by properly trained instructors. That is why the voluntary instructor certification program offered by the Department of Community Affairs needs to be replaced with one that is mandatory, as provided for in this bill.

The bill was amended by the committee to delete the requirement that the date and time of a live fire training exercise be included in a training organization's application for a permit. The committee felt it was unnecessary to mandate such information in the statute.



SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2110

STATE OF NEW JERSEY

DATED: SEPTEMBER 28, 1995

The Senate Community Affairs Committee reports favorably Assembly, No. 2110 (1R).

Assembly, No. 2110 (1R) would require the Department of Community Affairs (DCA) to certify fire instructors, approve live fire training, and adopt an incident management system.

The bill would establish a mandatory certification program for fire service instructors to be implemented by the Division of Fire Safety in DCA. Currently, the division offers a voluntary certification program for fire instructors. Under the provisions of this bill, the division would be responsible for assuring that any person teaching fire service training courses which are offered or approved by the division has been certified as an instructor in compliance with its standards. The bill defines a "fire service instructor" as a career, volunteer, or part-paid fire fighter who has been certified by the division, after completing a prescribed curriculum, to deliver fire fighter training.

In addition, the bill would require that the Commissioner of Community Affairs establish a mandatory incident management system to be used by the fire service. As defined in the bill, "fire service" refers to a State, county, or municipal agency or fire district which utilizes volunteer, career, or part-paid fire fighters for rescue, fire suppression, and related activities. The incident management system to be used would enable the fire service to implement a coordinated attack on the fire emergency by controlling the position and duties of all fire fighters, while also regulating rest and work cycles and providing a safety focus at each fire scene.

The bill also would require the commissioner to establish a permit program for the purpose of regulating live fire training activities. A live fire training activity is one which involves any unconfined open flame or device that can propagate fire to a building or other combustible materials. Under this program, a fire service training organization cannot conduct a live fire training exercise until it receives a permit from DCA. Prior to granting a permit, the division would require assurance that live fire training activity requirements would be carried out in accordance with National Fire Protection Association standards, including the requirement that a safety checklist be completed by the fire service instructor before any live fire training exercise could begin.

Live fire training is an excellent means of training fire fighters, but it poses the hazards of an actual fire emergency. An incident in November, 1992, in which three fire fighter trainees were injured when they were exposed to unexpectedly high temperatures as part of a training exercise, prompted the inclusion of the live fire training permit program in the bill.

In addition, the bill requires that professional forest land fire service instructors with the State forest fire service in the Division of Parks and Forestry of the Department of Environmental Protection also be trained and that the training be conducted by Department of Environmental Protection.