

Texas Commission on Fire Protection

Mailing address: P.O. Box 2286
Austin, TX 78768-2286

Physical location: 12675 Research Boulevard
Austin, TX 78759

Telephone: (512) 918-7100

FAX: (512) 918-7107

E-mail: tcfp@mail.capnet.state.tx.us

Mission

The mission of the Texas Commission on Fire Protection is to enforce statewide laws and assist local governments in ensuring that the lives and property of the public and of the fire service are adequately protected from fires and related hazards.

Description of Services and Responsibilities

The Texas Commission on Fire Protection is a state government agency which regulates the Texas fire service and fire protection industries.

The commission's responsibilities are to:

- * Regulate and assist fully paid local fire protection personnel and local fire departments.
- * Establish minimum educational, training, physical and mental standards for employment as fire protection personnel.
- * Conduct biennial inspections of fire departments, local government agencies providing fire protection, and institutions or facilities conducting courses for training fire protection personnel and recruits.
- * Establish minimum curriculum requirements for preparatory, in-service, and advanced courses for training fire protection personnel or recruits.
- * Enforce standards for protective clothing and self-contained breathing apparatus.
- * Provide voluntary certification and regulation of paid fire fighters not connected with local governments.
- * Develop and implement a voluntary certification and regulation program for volunteer fire protection personnel and volunteer fire departments.



- * Administer the fire department emergency program, to provide scholarships, grants, loans and other financial assistance to eligible local fire departments and other public fire-fighting organizations.
- * Review the key rate schedule by the end of fiscal year 1995 and every four years thereafter, and make recommendations to the Texas Department of Insurance concerning needed changes to the schedule.
- * Inspect municipalities using the key rate schedule and recommend the key rate to the Texas Department of Insurance for approval.
- * Perform fire and arson investigations.
- * Perform fire and life safety inspections.
- * License and regulate companies and individuals who install, service or maintain portable and fixed fire extinguisher systems.
- * License and regulate those who sell, install, service or maintain fire alarm systems.
- * License and regulate those who sell, install, service or maintain automatic fire sprinkler systems.
- * Regulate the storage, handling and use of flammable liquids at retail service stations.
- * Issue licenses for the sale, possession and display of fireworks.
- * Enforce the Texas Fire Escape Law.
- * Operate the Texas Fire Incident Reporting System (TEXFIRS).
- * Administer the fire prevention education program.
- * Provide technical assistance on the operation of rural fire prevention districts (RFPDs).
- * Enter into a Memorandum of Understanding with the Firemen's Training School to coordinate the activities of the two agencies.
- * Enter into a Memorandum of Understanding with the Texas Forest Service to coordinate the provision of training assistance, equipment and facility funds to fire departments in the state.

The commission was established by Senate Bill 383, 72nd Texas Legislature, Regular Session. To establish the commission, the legislature consolidated the functions of four separate government entities:

- * The State Fire Marshal's Office, formerly a division of the Texas Department of Insurance.
- * The former Texas Commission on Fire Protection Personnel Standards and Education.
- * The Key Rate Section, formerly part of the Texas Department of Insurance's property division.
- * The Fire Department Emergency Board, formerly an adjunct to the State Fire Marshal's Office.

The 73rd Legislature's Senate Bill 1110 revised several commission statutes. For example, the bill delineated distinctions between volunteer, part-paid and full-paid fire departments and fire fighters, provided a "bridge" to allow volunteer fire fighters to become paid fire fighters, and required that entities providing fire protection to local governments for profit comply with commission regulations.



Agency Leadership

The Commission

The commission is composed of the following 12 members:

- * Three chief officers, with a minimum rank of battalion chief, employed in fire departments under the jurisdiction of the commission. One must be employed by a political subdivision with a population of less than 50,000, one must be employed by a political subdivision with a population of 50,000 to 200,000, and one must be employed by a political subdivision with a population of more than 200,000. Two of the three chiefs must be the heads of their departments.
- * Three fire protection personnel, with the rank of captain or below, employed in fire departments or other appropriate local authorities under the jurisdiction of the commission. One must be actively involved in educating the public on fire prevention as a significant part of his or her duties. One must be employed by a political subdivision with a population of less than 50,000, one must be employed by a political subdivision with a population of 50,000 to 200,000, and one must be employed by a political subdivision with a population of more than 200,000.
- * Three volunteer fire chiefs or volunteer fire fighters.
- * One certified fire protection engineer.
- * One certified arson investigator.
- * One fire protection instructor.

Commissioners are appointed by the governor, with the advice and consent of the senate, for staggered terms of six years, with four members' terms expiring February 1 of each odd-numbered year. Unless the governor designates a presiding officer, the fire protection instructor serves as presiding officer. The commission elects an assistant presiding officer and secretary from its members.

Commissioners do not receive compensation for their service on the commission. They are, however, entitled to receive reimbursement for actual and necessary expenses incurred while performing services as commission members.



Agency Leadership, continued

Commissioner	Term	Address	Phone/FAX
Ronnie James* <i>Presiding Officer</i>	1995-1999	1005 Bluff Street Wichita Falls, TX 76301	(817) 761-7901 FAX (817)761-8877
Jon M. Hutchens† <i>Asst. Presiding Officer</i>	1995-2001	16230 Singapore Lane Houston, TX 77040	(713) 466-4953 FAX (713) 466-2134
David Abernathy† <i>Secretary</i>	1995-2001	Texas Forest Service P.O. Box 1000 Pittsburg, TX 75686	(903) 856-7181 FAX (903) 856-9033
Juan J. Adame†	1995-1997	Corpus Christi Fire Dept. 201 North Chaparral, Suite 300 Corpus Christi, TX 78401	(512) 880-3932 FAX (512) 880-3954
Ernest L. Brown***	1991-1997	Highway 1058, HCR 2, Box 62 Friona, TX 79035	(806) 289-5594 FAX (806) 289-5976
Marvin Dawson†	1995-1999	City of Brownfield 201 West Broadway Brownfield, TX 79316	(806) 637-6975 FAX (806) 637-9396
Gilbert Robinson†	1995-1999	Galveston Fire Dept 2514 Sealy Galveston, TX 77550	(409) 766-2145 FAX (409) 763-4847
Ricardo Saldaña†	1995-1999	1004 Holleyfield Mission, TX 78572	(210) 580-8705 FAX (210) 580-8712
Kelley Stalder†	1995-2001	7273 Moss Ridge Parker, TX 75002	(214) 684-5941 FAX (214) 684-3860
Gerald Hood**	1991-1997	4328 Plantation Drive Benbrook, TX 76116	(817) 232-7709 FAX (817) 232-7720
Patrick K. Hughes**	1991-1997	7202 Dick Fisher Dr. North North Richland Hills, TX 76180	(817) 581-5670 FAX (817) 656-7551
Carl D. Wren†	1995-2001	Fire Prevention Division Austin Fire Department 517 South Pleasant Valley Rd.Austin, TX 78741-1902	(512) 448-8328

* Originally appointed by Governor Ann Richards in October 1991, re-appointed by Governor George W. Bush in May 1995.

** Appointed by Governor Ann Richards, October 1991.

*** Appointed by Governor Ann Richards, January 1994.

† Appointed by Governor George W. Bush, May 1995.



Advisory committees

The commission carries out its mission by acting on the recommendations of seven legislatively mandated advisory committees: the Fire Protection Personnel Advisory Committee, the Volunteer Fire Fighter Advisory Committee, the Funds Allocation Advisory Committee, the Fire Extinguisher Advisory Council, the Fire Alarm Advisory Council, the Fire Sprinkler Advisory Council, and the Fireworks Advisory Council. Chapter 419 of the Government Code and Insurance Code Articles 5.43-1 through 5.43-4 specify the membership of the commission and the advisory committees. An additional advisory committee established by the commission, the Testing Committee, works closely with the Fire Protection Personnel Advisory Committee to develop curricula and testing materials for fire service training. The commission has also recently established a State Fire Code Committee to develop recommendations for the commission regarding fire, building and safety codes.

To an unprecedented degree, the Texas Commission on Fire Protection's enabling legislation put the rule-making process into the hands of the entities the commission regulates. The commission's mandated dependence on its advisory committees for rule recommendations is unique in Texas. While the commission is the designated rule-making authority, the commission cannot create rules by itself. With very rare exceptions, all rule recommendations that come before the commission must first be approved by the appropriate advisory committee. The advisory committees, whose members represent the entities the commission regulates, draft and recommend rule proposals according to the needs of the general public, the fire service and the fire protection industries.

Once an advisory committee drafts a rule proposal, it brings the proposed rule to the commission for adoption. If the commission rejects a proposed rule, it sends the rule back to the advisory committee for further action. The commission cannot amend language in a rule proposal without the advisory committee's approval. The commission can suggest specific amendments, but the advisory committee must approve any alterations before the commission can adopt the rule.

The commission appointed several new members to its advisory committees in October 1995. A full list of the advisory committee members is available from the commission; the presiding officers (selected by the committees) are listed below:

Fire protection personnel advisory committee

"Cleve" Calagna, Village Fire Department. Work: (713) 468-7941, Home: (713) 331-8390, FAX: (713) 468-5039.

Volunteer fire fighter advisory committee

Jack Yates, Sachse. Work: (214) 771-7700, ext. 116, Home: (214) 530-0485, FAX: (214) 771-7726.

Funds allocation advisory committee

Deloss (Dee) Edwards. (915) 695-5133.



Fire alarm advisory council

Ron Hyde, Euless Fire Department. Phone: (817) 685-1636, FAX: (817) 685-1816.

Fire sprinkler advisory council

Chair is currently vacant; for more information please contact Mark Redlitz, director of licensing, at (512) 918-7100.

Fire extinguisher advisory council

Peter Frayer, PyroChem. Phone: (800)-797-6243, FAX: (713)-362-7976

Fireworks advisory council

Jack Gullahorn, Public Strategies. (512) 499-6200, FAX: (512) 476-3866.

Testing committee

Pat McAuliff, Collin County Community College. For more information, please contact the fire service standards and certification division at (512) 918-7200.

State fire code committee

G. Mike Davis, state fire marshal, (512) 918-7100.

Agency structure

Office of the Executive Director

Gary L. Warren Sr., Executive Director, (512) 918-7180, FAX (512) 918-7107.

The executive director's office includes the agency director, the office of budget and planning and the public information office.

Office of the State Fire Marshal

G. Mike Davis, State Fire Marshal, (512) 918-7176, FAX (512) 918-7107 or (512) 918-7192.

The state fire marshal's office (SFMO) conducts life safety inspections, fire and arson investigations, and flammable liquids inspections. The commission provides assistance in these activities to local governments on request. These activities are conducted primarily through six regional offices.

The SFMO's licensing section, headquartered in Austin, licenses businesses engaged in fire protection services (including fire alarm, fire sprinkler, and fire extinguishing companies), and conducts investigations to ensure industry compliance with state laws and commission regulations. Additionally, the SFMO licenses the fireworks industry.



Fire service standards and certification

Jennifer Noel, director, fire service standards and certification, (512) 918-7140, FAX (512) 918-7106.

The fire service standards and certification division is responsible for ensuring that the state's paid fire protection personnel are trained, tested and certified in accordance with state law and commission standards. The division also administers a voluntary certification program for volunteer fire fighters and fire departments.

The division investigates all alleged violations of state statutes and commission rules pertaining to fire protection personnel and conducts biennial inspections of regulated entities throughout the state.

The standards and certification division also operates the fire department emergency funding program, which provides financial assistance to fire departments with critical needs, and the resource development program, which provides donated equipment to fire departments.

Engineering services

Mike Williams, P.E., director, engineering services, (512) 918-7145, FAX (512) 918-7108.

The engineering services division inspects cities, communities and rural fire prevention districts to determine fire protection capabilities.

This division evaluates cities and communities according to standards established in the Key Rate Schedule to recommend fire insurance key rates to the Texas Department of Insurance. The division conducts its inspection program on a six-year cycle.

The division evaluates rural fire prevention districts for recognition of district boundaries and fire departments for individual-risk key rate reductions.

The engineering services division also provides technical support to other agency divisions when requested. The division provides support in areas such as development of training curriculum; enforcement of rules regarding fire alarm, fire sprinkler, fire extinguisher and flammable liquids at retail service stations; fire investigations; life safety inspections; testing laboratory approval program; risk management; and computer needs.

Legal services

Jack Woods, General Counsel, (512) 918-7187, FAX (512) 918-7107.

The legal services division, under the direction of the general counsel, provides legal support to the commission, advisory committees, executive director and agency divisions.

Support services

Marcie L. Trettin, director, support services, (512) 918-7113, FAX (512) 918-7107.

The support services division supports the internal workings of the agency through accounting and benefits, budget and planning, staff services, human resources and computer resources programs.



Current Organizational Issues

Agency changes since the last Survey of Organizational Excellence

At the October 1995 quarterly commission meeting, the commissioners appointed Gary L. Warren Sr. as interim executive director. Mr. Warren, formerly a deputy chief with the Columbia, Missouri Fire Department, was initially hired as the director of the fire service standards and certification division in September 1995. Following a two-month posting which elicited approximately 80 candidates, the commission at its January 1996 quarterly meeting appointed Mr. Warren as permanent executive director.

Shortly after his appointment as interim director, Mr. Warren named Jennifer Noel, a staff member with the agency's engineering services division, as interim director of the fire service standards and certification division. Ms. Noel was appointed to the position permanently in February 1996.

Under Mr. Warren's management, in October 1995 the agency embarked on a comprehensive internal review of its programs, functions and budget. Several changes have resulted from this review. In November 1995, the resource and education services division was dismantled and its programs were reassigned to other divisions. The fire prevention education and TEXTFIRS programs, historically part of the state fire marshal's office (SFMO), were reassigned to the SFMO. The funding and donations programs were assigned to the fire service standards and certification division, and the agency's staff development and records management functions were assigned to the support services division.

The agency also conducted a thorough budget review, with oversight provided by a budget review subcommittee consisting of five commissioners. The agency reduced the staffing level to 135 full-time equivalents (FTEs). At the beginning of FY 1995 the agency employed 150 FTEs. Most of the positions were eliminated through attrition; as employees have left the agency, their functions have been re-assigned or consolidated with other functions. For example, the agency consolidated its human resources, in-house training and records management functions. In the past, the agency employed as many as six people to perform these roles; these functions are now performed by two employees.

In very limited cases, new positions have been established to fulfill specific needs: for example, the agency has reassigned two staff members to provide computer programming support. The agency is focusing on utilizing the skills and experience of current staff members to address needs as they arise.

Salaries, primarily at the program manager level, have been reclassified throughout the agency. The salary reclassifications were intended to create a better hierarchical structure within each division and to limit the impact of salaries on future budgets. The agency is striving for maximal efficiency within its budget constraints, and will continue to combine functions where it can while still achieving its mandated goals and objectives.



Beginning in July 1996, the state fire marshal's office underwent a major realignment. The new structure places greater emphasis on job functions. The fire marshal's office will be divided into five sections: Fire and arson investigation, information and education, licensing, safety inspections and administration. A supervisor for each of these sections will be based in Austin. By allowing these supervisors to focus on accomplishing specific and separate job functions, the realignment will improve communication, accountability and consistency throughout the division. The state fire marshal's six regional offices (in Austin, Duncanville, Lubbock, Corpus Christi, Tyler and Conroe) will remain in place and will continue to serve as points of contact for the public. Investigators and inspectors will continue to work out of "satellite" offices to maximize efficiency in response times and travel costs.

As the agency continues to review and streamline its operations, the commission may consider reassigning other functions to the field in the future. The actual number of FTEs assigned to each region may change slightly under the new organizational structure.

Sunset review

The agency will be subject to its sunset review during this biennium; work began on the sunset process in August 1995.

In September 1995, the agency submitted a self evaluation report to the sunset commission. In this initial report, the agency was instructed to identify issues that the sunset commission may help to modify or resolve. The report also included details about the agency's mission, strategic plan, budget, and staffing.

The initial self evaluation report identified the following topics as issues needing further discussion:

- * Composition of commission.
- * Composition of advisory committees.
- * State fire marshal's fire prevention inspection authority.
- * Flammable liquids legislation.
- * Key rate.
- * Single certification for paid and volunteer fire fighters.
- * Consolidation of fire protection industry laws.
- * Criminal background checks.
- * Statewide fire code.
- * Executive director and state fire marshal reporting authority.
- * Commission's role in development of fire science degree curricula.

Although time constraints prevented the fire commissioners from reviewing the initial report, the sunset commission allowed the commissioners to develop a supplemental report to discuss



additional policy issues. The supplemental report, submitted in July 1996, discusses the commission's potential role in the following areas:

- * Statewide mutual aid.
- * Urban search and rescue.
- * NFPA variances.
- * Regional training facilities.
- * Removal of the employment requirement for fire fighter certification.

The Sunset Advisory Commission will issue a staff report and conduct a public hearing on the Texas Commission on Fire Protection in December 1996, and will take actions related to the fire commission in January 1997.

Texas Performance Review

At the agency's request, in early 1995 the Office of the State Comptroller assigned a Texas Performance Review team to perform a comprehensive review of the agency's programs and management. The TPR team made several recommendations, including:

- * Modify advisory committee's powers and responsibilities.
- * Improve administration of licensing, certification and testing.
- * Eliminate employment as criterion for certification of fire protection personnel.
- * Cease key rate inspections when TDI adopts Fire Suppression Rating Schedule.
- * Improve efficiency and effectiveness of regulatory enforcement processes.
- * Provide proper equipment to field staff.
- * Complete personnel policies and procedures.
- * Develop a disaster recovery plan for computers.

The commission has taken steps to adopt the recommendations currently within its scope, and anticipates that many these issues will be the subject of further discussion during the 1997 legislative session.

Revisions to mission and strategic plan

In the summer of 1995, two commission subcommittees were appointed by the commission's presiding officer to provide oversight of the agency's budget and strategic plan.

The strategic planning subcommittee instructed the agency to develop a strategic plan which captured the full scope of the agency's mission. The agency sought input from all levels of staff to develop the revisions, and the revised plan was approved by commission in February 1996. The strategic plan revision began with a re-write of the agency's mission. The new mission statement emphasizes the agency's awareness of its role in assisting local authorities:

The mission of the Texas Commission on Fire Protection is to enforce statewide laws and assist local governments in ensuring that the lives and property of the public and of the fire service are adequately protected from fires and related hazards.



The proposed strategic plan breaks the agency's mission into three broad goals:

Education and assistance - To assist local governments and other entities in providing information about fire prevention and the consequences of fire and related hazards to the public and to assist in providing fire fighting equipment and other resources to local fire departments.

Investigations and inspections - To enforce statutes and rules relating to fire investigations, fire safety inspections and to fire protection and fireworks industries to protect the public against loss of life and property resulting from fire and related hazards.

Fire service standards - To enforce statutes and rules relating to standards for fire service personnel education, training, facilities and protective equipment to protect the public and fire service personnel against loss of life and property resulting from fire and related hazards.

An additional mandated goal relates to the agency's use of historically underutilized businesses (HUBs) in its purchasing practices.

Other agency accomplishments

The commission's forensic arson laboratory received national accreditation in February 1996.

The agency launched its World Wide Web site in February 1996. The site includes general information about the agency (including names, addresses and phone numbers of all commissioners and advisory committee members), news releases, an electronic edition of the commission's monthly newsletter, the commission's events calendar and agendas for upcoming meetings. The home page address is: <http://www.tcfp.capnet.state.tx.us>.

The agency is continuing to develop and improve its internal management activities. Significant improvements in the past biennium include:

- * Renewed emphasis on chain of command.
- * New personnel manual and grievance procedures.
- * New performance appraisal system.
- * Quarterly merit reviews.

The Texas Fire Chiefs' Association Foundation donated a \$26,000 fire safety house to the commission's fire prevention education program in April 1996. The fire safety house was first put in service in June 1996, and will travel throughout the state one week each month. As resources and staff become available, the commission intends to expand this program.

Agency Liaison for Survey of Organizational Excellence

Shelley Harris-Curtsinger, program manager, (512) 918-7173, FAX (512) 918-7107

