

NEW YORK CITY FIRE DEPARTMENT

Notice of Proposed Promulgation of a New Rule, 3 RCNY §9-08,
entitled “Training Courses For Fire Safety/Emergency Action Plan Directors”

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Fire Commissioner of the City of New York by Section 489 of the New York City Charter and Sections 27-4014 and 27-4267.4 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department hereby promulgates the above rule. The entire rule is underlined to indicate that it is new.

The public hearing was held on June 13, 2006. In accordance with Section 1043(e)(1) of the New York City Charter, this rule shall take effect on September 10, 2006.

This notice, the rule, and the statement of basis and purpose will be available for at least 90 days on the Fire Department Internet website at:
www.nyc.gov/fdny

Nicholas Scoppetta
Fire Commissioner

§9-08 Training Courses For Fire Safety/Emergency Action Plan Directors

(a) Applicability

- (1) This section sets forth the requirements for Department accreditation of any training course offered by an educational institution or other entity for purposes of obtaining Department certification as a Fire Safety/Emergency Action Plan Director pursuant to 3 RCNY §6-02.
- (2) A student must successfully complete an accredited training course in order to be eligible to seek Department certification as a Fire Safety/Emergency Action Plan Director.

(b) Definitions

EAP. Emergency Action Plan.

(c) General Prohibition

No educational institution or other entity shall offer a training course for Department certification as a Fire Safety/EAP Director that purports to be accredited by the Department without first having obtained Department accreditation pursuant to this section.

(d) Course Requirements

- (1) Required Instruction. Training courses shall provide not less than seven (7) hours of classroom instruction, including not less than six (6) hours of instruction in Category 1 topics and not less than one (1) hour of instruction in Category 2 topics.
 - (i) Category 1 shall include the following instructional topics, and such other topics as the Department's Director of Licensing may from time to time designate by written notice to accredited educational institutions:
 - (A) Local Law 26 of 2004, Fire Department rule 3 RCNY §6-02, and any amendments or other rules promulgated pursuant thereto;
 - (B) Shelter in place, in-building relocation, partial building evacuation and full building evacuation concepts;
 - (C) Building communications and announcements;
 - (D) Building ventilation options;

- (E) Use of elevators;
 - (F) Human services, including building occupants with special needs and related mobility and communications issues;
 - (G) Weapons of mass destruction, including dirty bombs and other radiological weapons;
 - (H) Hazardous material incidents involving biological agents, including contamination issues;
 - (I) Hazardous material incidents involving chemical agents;
 - (J) Bombs, bomb threats and suspicious packages;
 - (K) Weather-related emergencies;
 - (L) Failure of building utilities, mechanical systems and/or telecommunications systems; and
 - (M) Training methodology, including application protocols and post drill critiques.
- (ii) Category 2 shall include the following instructional topics, and such other topics as the Department's Director of Licensing may from time to time designate by written notice to accredited educational institutions:
- (A) Civil disturbances and blackouts;
 - (B) Familiarization with incident command structure and emergency response operations;
 - (C) Situational awareness in the context of non-fire emergencies; and
 - (D) Case studies, including Sao Paulo, the Coconut Grove fire and the World Trade Center.

(2) Course Administration.

- (i) Students must attend all sessions of the training course in order to be eligible to be administered the final course examination and successfully complete the course.

- (ii) A written final examination approved by the Department shall be administered by the educational institution to all students enrolled in the training course. Each student must achieve a passing grade approved the Department in order to have passed the examination and successfully complete the course. Students shall not be allowed more than two (2) opportunities to take the final examination. Students who fail the final examination twice must re-take the training course in its entirety.
- (iii) Instruction shall be conducted by persons with law enforcement, fire prevention/suppression, engineering, environmental safety, fire safety director, meteorological, technological or other appropriate experience or expertise that qualifies them to teach the respective instructional topics of the training course.

(e) Application For Training Course Accreditation

- (1) Except as otherwise provided in this section, applications for accreditation, including applications regarding training course modifications, shall be submitted and will be approved in the same manner as set forth in 3 RCNY §9-05.
- (2) Training course accreditation shall be valid for a term of one year, and may be renewed annually thereafter. Training course accreditation may be suspended or revoked in accordance with the provisions of 3 RCNY §9-05.
- (3) Applications shall be accompanied by a non-refundable application fee as follows:

<u>Original application for accreditation</u>	<u>\$ 2,940.00</u>
<u>Renewal application</u>	<u>\$ 420.00</u>

(f) Modification

Whenever circumstances, conditions, limitations, or surroundings are unusual, or such as to render it impracticable to comply with any of the foregoing provisions, the commissioner may waive or modify such provisions to such extent as he or she may deem necessary, consistent with public safety.

STATEMENT OF BASIS AND PURPOSE OF FINAL RULE:

This rule sets forth minimum instructional and administration requirements for Fire Department accreditation of courses taught by educational institutions to qualify students for the Fire Safety/EAP Director Certificate of Fitness issued by the Department pursuant to Department rule 3 RCNY §6-02.

In response to public comment, the final rule requires that instructors possess appropriate experience or expertise qualifying them to teach the instructional topics of the training course. Public comment was also received indicating that the rule should require instruction greater than seven hours. The Department has determined to retain the seven-hour training course requirement, but will consider the need for additional instruction, perhaps in the form of a future training requirement at the time of renewal of the Fire Safety/EAP Director Certificate of Fitness.

If any paragraph, subparagraph or subdivision of this section shall be adjudged by any court or agency of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the paragraph or subdivision directly involved in the controversy in which such judgement shall have been rendered.

9-08 (8/2/06)