27 March 2013

To: Interested Parties

Subject:

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Dear Interested Parties:

At its meeting of March 6-7, 2013, the Standards Council issued a decision on the above-referenced matter. On March 14, 2013, NFPA issued the Council’s decision on the appeal in the form of a “Short” decision which briefly stated the outcome of the appeal and which indicated that a full Final decision on the appeal would be used in due course and sent to all interested parties as soon as it became available.

The Council’s Final decision is now available and is attached herewith.

Sincerely,

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, T. McGowan, K. Willette
Members, Technical Committee on Fire Fighter Professional Qualifications (PQU-FFQ)
Members, Correlating Committee on Professional Qualifications (PQU-AAC)
Members, Technical Committee on Fire Service Occupational Safety and Health (FIX-AAA)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to uphold the appeal and issue TIA No. 1087.

DECISION:
At its meeting of March 6-7, 2013, the Standards Council considered an appeal from Chief Scott D. Kerwood, Williamson County Emergency Services District #3, requesting the Council issue proposed Tentative Interim Amendment (TIA) No. 1087 on the 2013 edition of NFPA 1001, Standard for Fire Fighter Professional Qualifications. Specifically, TIA No. 1087, seeks to modify the text of the reference to NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments within the 2013 edition of NFPA 1001. The TIA seeks to return the specific reference of the “essential job tasks” in NFPA 1582 back to the broader reference of the “medical requirements” in NFPA 1582 as found in the 2008 edition of NFPA 1001. The change in Section 4.1(3) would read as follows:

4.1 General. Prior to entering training to meet the requirements of Chapters 5 and 6 of this standard, the candidate shall meet the following requirements:

(1) Minimum educational requirements established by the AHJ
(2) Age requirements established by the AHJ
(3)* Essential Job Tasks of NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments, Chapter 5, Subsection 5.1.1, as determined by the medical authority of the AHJ.
(3)* Medical requirements of NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments.

As background, the subject matter of proposed TIA No. 1087 was submitted as Proposal 1001-16 to NFPA 1001 which was accepted by the Technical Committee on Fire Fighter Professional Qualifications. There were no Public Comments submitted on the Proposal, and the change was incorporated into the 2013 edition of NFPA 1001.

The material proposed in TIA No. 1087 was balloted through the Technical Committee on Fire Fighter Professional Qualifications (NFPA 1001 TC) and the Correlating Committee on Professional Qualifications (CC), in accordance with the Regulations Governing the Development of NFPA Standards (Reg). Although the ballot passed the CC on correlation issues, it failed the TC on technical merit and failed both the CC and TC on emergency nature. This would normally end the matter, and the TIA, having failed to pass all parts of the ballot, would not be issued by the Standards Council. Here, however, there has been an appeal seeking issuance of the TIA which raises, among other
concerns, an issue concerning the assigned scopes of the NFPA 1001 TC and the technical committee responsible for NFPA 1582, i.e., the Technical Committee on Fire Service Occupational Safety and Health (NFPA 1582 TC). Specifically the question raised is whether the NFPA 1001 TC acted outside of its assigned scope when, apart from educational age requirements, it limited the general requirements in section 4.1 for fire department candidates to only that portion of NFPA 1582 (presumably Chapter 5) which sets forth “essential job tasks.”

In answering this question, the Council, in addition to the substantiation submitted with the TIA, the views submitted by the appellant, and the many public comments on the TIA, has before it the results of an informational ballot of the NFPA 1582 TC, which strongly supported the issuance of the TIA. Based on its review of this information and the entire record before it, the Council has concluded that the NFPA 1001 TC’s action went beyond the scope of its authority and constitutes a clear and substantial basis to uphold the appeal and issue TIA 1087 in order to restore the text of section 4.1 to that of the previous edition. The Council takes this action through its authority to assign jurisdictional scopes among Technical Committees so as to maximize coordination and avoid overlap and conflict among NFPA Standards.

The assignment of jurisdictional scopes among technical committees is the direct responsibility of the Standards Council. See, generally, Regulations Governing the Development of NFPA Standards. The Council has assigned the task of writing standards for the occupational health and safety of firefighters to the NFPA 1582 TC. This assigned scope expressly includes responsibility for medical requirements for firefighters. Moreover, the document scope of NFPA 1582 covers the subject of medical requirements for fire department candidates as well as members, and it references NFPA 1001 among those NFPA standards that NFPA 1582 is plainly intended to complement.

The Council notes that the NFPA 1001 TC did attempt to solicit comments from the NFPA 1582 TC during the regular revision cycle, and it would have been preferable had the issues concerning section 4.1 been raised at that time. Nevertheless, the NFPA 1001 TC’s action in revising section 4.1 is, as has been pointed out, confusing at best and, at worst, creates a serious conflict among NFPA standards by effectively eliminating from NFPA 1001 any requirement that a candidate, prior to entering a training program, receive a medical evaluation to meet the medical requirements of NFPA 1582 (See NFPA 1582, Chapter 6 and especially section 6.1)

The Council has assigned the difficult task of making consensus judgments on medical requirements for firefighters to the NFPA 1582 TC, and this committee actively and regularly considers and revises those standards based on new information and does so with the support and assistance of a task group of medical and occupational health experts. The NFPA 1001 TC does not have the scope or authority to modify the intent of the NFPA 1582 TC through selectively referencing a limited part of NFPA 1582 which contains no medical requirements at all.

Accordingly, the Council has voted to uphold the appeal and to issue the TIA. This does not mean that consideration of any concerns of the NFPA 1001 TC regarding medical requirements need come to an end. As noted above, the NFPA 1582 TC has been diligent in processing regular new editions to NFPA 1582 to continually update the standard to
reflect new knowledge and understanding. The Council encourages the NFPA 1001 TC and other interested parties to submit Public Input on medical requirements for firefighters to the NFPA 1582 TC for consideration as that committee continues its work of revising and updating the standard in accordance with NFPA procedures.