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DIVISION OF FIRE SAFETY**Uniform Fire Code****Fire Code Enforcement****Proposed Amendments: N.J.A.C. 5:71-2.6, 2.8, 3.4, 3.7, 4.4, 4.7, 4.9, and 4.11****Proposed New Rules: N.J.A.C. 5:71-4.12 and 4.13**

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-198.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-213.

Submit written comments by October 20, 2017, to:

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The agency proposal follows:

Summary

Amendments to N.J.A.C. 5:71, Fire Code Enforcement, are proposed concerning the annual report required to be filed by all fire officials, accounting for electronic submissions, and requiring certification of the report by the fire official and the administrator. Additional amendments concern the permissibility of changing permits and fees by fire officials, and allowing for electronic files, records, and approved electronic signatures.

The proposed amendments and new rules stem from the authority granted in the Uniform Fire Safety Act, P.L. 1983, c. 383 (N.J.S.A. 52:27D-192 et seq.), which through Subchapter 4 of the rules for Fire Code Enforcement controls all matters relating to qualifications for the certification of fire officials and inspectors engaged in, or to be engaged in, the administration and enforcement of the New Jersey Uniform Fire Code.

N.J.A.C. 5:71-2.6(a)2i(1) Collection of and accounting for fees and penalties. The annual report form was previously completed on paper and submitted with a certification form signed by the fire official and administrator. With the upgrade of the Division's computer system, the annual report is submitted electronically, along with electronic certifications of both the fire official and administrator. This amendment accounts for the current manner in which certifications of the annual report are made.

N.J.A.C. 5:71-2.8(b) Amendments to the Code. Clarification is made to the existing language concerning amendments to the Code as related to permits and permit fees. Reference is made to permits in N.J.A.C. 5:70-2.7 and fees for permits in N.J.A.C. 5:70-2.9(c), whereby local ordinance municipalities can make changes. For the sake of consistency, language was amended in this section.

N.J.A.C. 5:71-3.4(a)4 Records. The proposed amendment adds that it is permissible for local enforcing agencies to have electronic files, provided that there is documented approval of compliance with the State record retention office.

N.J.A.C. 5:71-3.7 Forms; logs; reports. Subsection (a), which identifies specific standardized forms for use by the local enforcing agency, is proposed for deletion, as the forms are obsolete. The information previously contained in the forms is now input through the Division's computer system. New subsection (g) is added, which indicates that where signatures are required, approved electronic signatures are acceptable.

N.J.A.C. 5:71-4.4(a) Requirements for certification. The Office of Fire Code Enforcement and Certification is proposed to be updated to the Office of Training and Certification. Proposed new paragraph (a)1 is added, which indicates that where signatures are required, approved electronic signatures are acceptable.

N.J.A.C. 5:71-4.7 Fees. Certification application fees were increased in 1991, and later in 1995, to reflect processing costs incurred by the Department. For the past 22 years, the application fees have not been increased, while costs have risen to process applications. The proposed amendment increases the application fee and the renewal fee from \$45.00 to \$91.00. These increases will uniformly match application fees between the Division of Fire Safety and the Division of Codes and Standards within the Department.

N.J.A.C. 5:71-4.9(e)2 and 3 Organizational, administrative, and operational functions of the Fire Code enforcement educational programs. This rulemaking proposes instructor requirements for the Fire Inspector certification program, which include requirements for certification, code enforcement experience, appointed status, educational methodology competencies, and permitting the use of subject matter experts to augment instruction in specialized code enforcement topics within the training program. Faculty teaching the fire inspector and fire official credentialing courses can now include individuals who are certified as a fire inspector, and an 'equivalency' clause has been added for the Fire Subcode Official HHS license required in Modules 7 and 11 to instruct the fire inspector training program.

N.J.A.C. 5:71-4.9(f) Organizational, administrative, and operational functions of the Fire Code enforcement educational programs. The proposed amendment deletes and replaces the fire inspector training program modules. The proposed training modules have been designed to provide a planned pattern of instruction and experiences designed to instruct the enforcement of the Uniform Fire Code. The course of study for fire inspector certification is proposed to be deleted and replaced with revised content established by the Department, which reflects the adoption of the International Fire Code, 2015 Edition, as adopted and modified by the Department. The revised training program includes the instruction of technical provisions of the Uniform Fire Code and adopted standards, and content established to reflect "best practices" approaches in fire code enforcement. The previous fire inspector educational program of instruction contained in this subchapter was in part based upon the Building Officials and Code Administrators International (BOCA) Basic Building Code, Chapters 5, 6, 7, and 10. This code publisher has not been selected for adoption by New Jersey, which necessitated the redevelopment of the training program to the International Code Council (ICC) Building and Fire Codes (New Jersey Edition). The course of study for fire inspectors has established content on terrorism indicators, provides an overview of the International Building Code, and creates a 'ride-a-long' field experience component which was not in the previous training curriculum.

N.J.A.C. 5:71-4.11 Examination requirements. Examination requirements for fire inspector certification are proposed for amendment to reflect a change from the examination administered prior to December 31, 2015, by BOCA, to update it, as the examination was administered by the International Code Council, to a written examination administered by the Office of Training and Certification within the Division of Fire Safety. The examination minimum score of 70 percent correct has been established to pass the examination, and the proposed amendment creates a maximum of three opportunities to pass the examination without repeating the training program.

N.J.A.C. 5:71-4.12 Learning disabilities accommodations. The proposed new rule establishes learning disabilities accommodations for individuals who take code enforcement written examinations. The proposed new rule establishes reasonable and appropriate accommodations for those persons with learning disabilities in reading decoding, reading comprehension, and/or written expression. Diagnosis and required documentation has been established through the American Psychiatric Association 2013 publication "Diagnostic and Statistical Manual of Mental Disorders DSM-5," which is a national evaluation standard for determining learning disabilities and is incorporated into the rule by reference, as amended and supplemented. The proposed accommodation is consistent with the New Jersey Department of Health adopted training standards for training emergency medical technicians, N.J.A.C. 8:40A-6.4, Accommodations for persons with documented learning disabilities.

N.J.A.C. 5:71-4.13 National credentialing of certifications issued. The proposed new rule supports national credentialing of code

enforcement certifications issued by the Division of Fire Safety that are accredited by the National Board on Fire Service Professional Qualifications (NBFSPQ) referred to as the “Pro Board” and/or the International Fire Service Accreditation Congress (IFSAC). The authority is derived through P.L. 2013, c. 32 (N.J.S.A. 52:27D-25kk), which requires that all recruit firefighter training programs conducted by the Division of Fire Safety be accredited by the Pro Board and IFSAC. It is the intent of the Department to promote national credentialing of code enforcement certifications similarly to assist code officials to achieve professional growth, credibility, and the ability to transfer certifications to other states and jurisdictions. The processing of national credentialing shall be through the Office of Training and Certification within the Division of Fire Safety and shall meet the national credentialing requirements of the Pro Board and/or IFSAC accordingly. This initiative will not prohibit individuals from obtaining national code enforcement credentialing from the International Code Council.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department believes that the proposed amendments and proposed new rules will provide a positive social impact by streamlining records and submissions by permitting electronic files, submissions, and signatures to be filed. Examinations of fire inspectors would demonstrate competence by successful completion of the examinations, thus, promoting public safety and welfare through knowledgeable fire inspections. The proposed new rule establishing learning disabilities accommodations for individuals who take code enforcement written examinations establishes reasonable and appropriate accommodations for those persons with learning disabilities in reading decoding, reading comprehension, and/or written expression.

Economic Impact

The Department does not anticipate that the proposed amendments and proposed new rules would have any adverse economic impact, but instead would allow for parity of application fees between the Division of Fire Safety and the Division of Codes and Standards within the Department. The fees for certification applications were last increased in 1995, and the current fees do not accurately reflect the processing costs incurred by the Department. For the past 22 years, the application and renewal fees have not been increased, while costs have risen to process applications.

Federal Standards Statement

No Federal standards analysis is required because the amendments and new rules are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Job Impact

The Department does not anticipate that any jobs would be created or lost as a result of the proposed amendments and new rules.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments and new rules would have any impact on the agriculture industry.

Regulatory Flexibility Statement

The Department expects that the proposed amendments and new rules will not impose any added recordkeeping, or reporting requirements on small businesses, as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The amendments concern administration of enforcing agencies, fire officials, and certification of fire officials. Aside from enforcing agencies, the amendments mainly affect individuals and would not impose recordkeeping, reporting, or compliance requirements upon small businesses. The Department believes that no additional professional services would be required for any property or business owner required to comply, whether small business or otherwise.

Housing Affordability Impact Analysis

The proposed amendments and new rules would be highly unlikely to have any impact upon the average costs associated with housing. The Department does not anticipate that the proposed amendments would have any effect upon the cost or affordability of housing because the amendments pertain to administration of enforcing agencies, fire officials, and certification of fire officials, and do not concern housing.

Smart Growth Development Impact Analysis

The proposed amendments and new rules would be most unlikely to have any impact upon housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the amendments pertain to the administration of enforcing agencies, fire officials, and certification of fire officials, and do not concern smart growth development.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. ENFORCING AGENCIES; ESTABLISHMENT AND RESPONSIBILITIES

5:71-2.6 Collection of and accounting for fees and penalties

(a) Collection of registration fees:

1. (No change.)

2. The Division shall remit 65 percent of the amount collected, unless indicated otherwise below, to the local enforcing agency established for the inspection of life hazard uses. This payment shall be disbursed by the end of the quarter next succeeding the one in which fees were collected.

i. No later than 30 days following the end of the calendar year (December 31), the local enforcing agency shall forward to the Division a form verifying the status of all life hazard use inspections performed during the year. The agency shall utilize a Division-approved format which satisfies the following requirements:

(1) The form shall be [signed] **electronically certified** by both the fire official and the chief administrative officer of the municipality or the fire district, as the case may be; **and**

[(2) Signatures shall be notarized; and]

[(3)] **(2)** (No change in text.)

ii. (No change.)

3.-4. (No change.)

(b)-(f) (No change.)

5:71-2.8 Amendments to the Code

(a) (No change.)

(b) No amendment to N.J.A.C. 5:70-1 and 2 is permitted except for permits **required in N.J.A.C. 5:70-2.7 and fees for permits in N.J.A.C. 5:70-2.9(c)** and certificate of smoke detector compliance fees in accordance with N.J.A.C. 5:70-2.9(f).

(c)-(d) (No change.)

SUBCHAPTER 3. ORGANIZATION, ADMINISTRATION, AND ENFORCEMENT

5:71-3.4 Records

(a) The local enforcing agency shall maintain a central file system for each property, building or use that requires a periodic inspection or a permit.

1.-3. (No change.)

4. File copies of all documents shall be retained in the official records as provided by law. **Electronic files are also permissible, provided the local enforcement agency acts consistently with any and all retention rules and as required by the Bureau of Records Management within the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services-Records Management Services.**

(b)-(c) (No change.)

5:71-3.7 Forms; logs; reports

[(a) Each local enforcing agency shall use the following standardized forms, established by the Commissioner, for the purpose indicated. The content of the standardized forms may be periodically modified, as appropriate, at the discretion of the Division. Where there is insufficient

space on the form for all required information, the form shall be used with attachments.

<u>Form No.</u>	<u>Name</u>
DFS 100	Fire Safety Registration Form
DFS 105	Verification/Update Request
DFS 110	Local Enforcing Agency Annual Report

1. A local enforcing agency shall not alter the content of the above-standardized forms.

2. Use of the three standardized forms shall not preclude a local enforcing agency from using additional forms for its own internal processing and recordkeeping.]

Recodify existing (b)-(g) as (a)-(f) (No change in text.)

(g) Where signatures are required, approved electronic signatures are acceptable.

SUBCHAPTER 4. CERTIFICATION OF THE FIRE OFFICIALS

5:71-4.4 Requirements for certification

(a) Any candidate for certification in Fire Code enforcement pursuant to this subchapter shall submit an application to the Office of [Fire Code Enforcement] **Training and Certification** in the Division of Fire Safety, accompanied by the required fee established at N.J.A.C. 5:71-4.7. The application shall include such information and documentation as the [Division] **Office** may require.

1. Where a signature is required on an application, an electronic signature will be accepted.

(b)-(d) (No change.)

5:71-4.7 Fees

(a) No application for a certification shall be acted upon unless the application is accompanied by a fee as follows:

1. The initial application fee shall be [\$45.00] **\$91.00.**
2. The three-year renewal application fee shall be [\$45.00] **\$91.00.**

5:71-4.9 Organizational, administrative, and operational functions of the Fire Code enforcement educational programs

(a)-(d) (No change.)

(e) Faculty members shall be competent in the field and have contacts with Fire Code enforcement environments and other sources so their teaching and research are current and relevant.

1. (No change.)

2. The institution, recognizing that an appropriate faculty is one of the major determinants of the quality of its education program, shall make provision for the use of the part-timer or adjunct faculty.

i. No individual who has ever had a license suspended for a period of six months or more or has ever had a license or certification revoked for any reason set forth in N.J.A.C. 5:23-5.11 or N.J.A.C. 5:71-4.6 shall be eligible to instruct Fire Code enforcement educational programs[.];

ii. Instructors for the Fire Inspector certification program shall meet the following criteria:

(1) Possess a valid and current Fire Official or Fire Inspector certification issued by the Office of Training and Certification;

(2) Possess five years of code enforcement experience, enforcing the New Jersey Uniform Fire Code or Uniform Construction Code, three years of which must have been enforcing the adopted International Fire Code;

(3) Be currently appointed, or have previously held the position as an "appointed" fire official or fire inspector within a local enforcing agency for a period of not less than two years; and

(4) Possess a valid and current Instructor I or Instructor II certification issued by the Office of Training and Certification or have completed a 40-hour educational methodology program approved by the Office of Training and Certification; and

iii. Subject matter experts can be used to "augment" instructional delivery in specialized code enforcement topics within the training program. The augmented instruction content must be reviewed and approved by the chief instructor of the program prior to delivery.

3. Faculty utilized to teach Fire Inspector or Fire Official Certification Courses shall be currently certified as a Fire Official **or Fire Inspector**, except that the instructor for Module [5] 7 and Module [9ii(2)] **11** of the

Fire Inspector Certification Course shall also be currently licensed as a Fire Subcode Official HHS **or equivalent.**

4. (No change.)

(f) The course of study for [fire inspector] **Fire Inspector** certification shall consist of a planned pattern of instruction and experiences designed to meet the following standards. The course shall provide at least 90 contact hours of instruction not including examination and support time and it shall ensure by examination technical competence in the following subject areas:

[1. Module 1: The theory of fire code enforcement:

i. Hours required: three;

ii. Subject areas:

(1) History of the fire code enforcement; and

(2) Legal aspects of fire code enforcement;

2. Module 2: Code administrative requirements:

i. Hours required: three;

ii. Subject areas:

(1) N.J.A.C. 5:70; Uniform Fire Code (UFC) Subchapters 1 and 2;

(2) UFC relationship to the UCC; and

(3) Life Hazards Uses and Use Groups;

3. Module 3: Referenced Standards:

i. Hours required: six;

ii. Subject areas:

(1) State Fire Prevention Code Chapter 44;

(2) Difference between a code and a standard;

(3) When to apply referenced standards;

(4) How to apply referenced standards;

(5) Apply NFPA 231 as an example; and

(6) Apply NFPA 46 as an example;

4. Module 4: Inspection Overview:

i. Hours required: three;

ii. Subject areas:

(1) Ethics and demeanor;

(2) Pre-inspection preparation;

(3) Right of entry and methods;

(4) Interviewing;

(5) Documentation methods;

(6) On-site record reviews;

(7) Sampling and testing;

(8) Report content; and

(9) The inspector as a witness;

5. Module 5: Building construction and plan review:

i. Hours required: six;

ii. Subject areas:

(1) Types of construction BOCA Basic Building Code Chapter 6;

(2) Height and area limitations in the BOCA Basic Building Code Chapter 5;

(3) Fire resistance ratings;

(4) Methods of fire resistance rating BOCA Basic Building Code Chapter 7;

(5) Continuity of ratings;

(6) Truss construction concepts;

(7) Types of loads (dead, live, fuel);

(8) Load carrying design of beams and columns;

(9) Recognizing deficiencies in construction; and

(10) Types of plans:

(A) Site plans;

(B) Plot plans;

(C) Architectural plans;

(D) Mechanical plans;

(E) Sprinkler system plans;

(F) Foundation plans;

(G) Floor plans;

(H) Electrical plans; and

(I) Views (plan, elevation, sectional, detail);

6. Module 6: General Fire Safety:

i. Hours required: three;

ii. Subject areas:

(1) State Fire Prevention Code Chapters 1 through 4; and

(2) State Fire Prevention Code Chapter 7;

7. Module 7: Occupancy Loads/Means of Egress:
- Hours required: six;
 - Subject areas:
 - Means of egress components;
 - Calculating occupancy loads (Retrofit method and UCC);
 - Place of assembly case history analysis; and
 - State Fire Prevention Code Chapter 6;
8. Module 8: Fire Protection Systems:
- Hours required: six;
 - Subject areas:
 - Fire sprinkler systems;
 - Standpipe systems;
 - Water supplies and testing;
 - Fire pumps;
 - Fire alarm systems;
 - System monitoring;
 - Hood protection systems;
 - Smoke removal systems; and
 - Fire extinguishers;
9. Module 9: Fire Protection System Code Requirements:
- Hours required: six;
 - Subject areas:
 - State Fire Prevention Code Chapter 5;
 - BOCA Basic Building Code Chapter 10; and
 - NFPA 25, 231, 231C, 231D, 231E and 231F;
10. Module 10: Specific Operations:
- Hours required: six;
 - Subject area: State Fire Prevention Code Chapters 8 through 22;
11. Module 11: Hazardous Materials:
- Hours required: nine;
 - Subject areas:
 - Basic hazardous material chemistry;
 - Physical hazards (F-2303.2) definitions and examples;
 - Health hazards (F-2303) definitions and examples;
 - Research materials and MSDS;
 - Relationship to NJDEP, USEPA, USDOT regulations;
 - Containment;
 - Discharges and local response protocols;
 - State Fire Prevention Code Chapter 23 Hazardous Materials; and
 - State Fire Prevention Code Chapters 24 through 43;
12. Module 12: Retrofit Code; State Fire Safety Code:
- Hours required: nine;
 - Subject areas:
 - History of the Retrofit provisions;
 - NFPA Life Safety Code 101 background;
 - Relationship to the UCC;
 - When Retrofit applies;
 - Historic structures;
 - Fire protection plans; and
 - Specific Subchapter 4 requirements;
13. Module 13: Inspection Skills and Tools:
- Hours required: three;
 - Subject areas:
 - Types of inspections;
 - Purpose of inspections;
 - Applying the 'Three Es' of fire prevention;
 - Inspection equipment and tools;
 - Inspector health and safety; and
 - Issuing violation notices;
14. Module 14: Practical Evolutions:
- Hours required: six;
 - Subject areas:
 - Students to be taken on a guided field inspection of a multi occupancy structure (or multiple structures of various uses). Students are to apply observation and documentation skills. Students are to identify hazards and verbally describe code problems. Exact citations not required during this evolution and instructor is to reinforce observations and point out hazards missed;
 - Students are to be provided a guided inspection of a fire sprinkler system including main drain and inspector test outlet flows;
 - Students are to be provided a guided inspection of a fire pump installation; and
 - Students are to conduct hands-on water flow tests;
15. Module 15: Specific Code Applications:
- Hours required: six;
 - Subject areas:
 - Classroom review of slides representing hazards/violations with students identifying the problem and providing exact code citations to support conclusion; and
 - Large loss or multiple fatality fire code history analysis;
16. Module 16: Current Code Changes:
- Hours required: three;
 - Subject areas: Utilizing material from current Code Update Seminar, as provided by the Division, review current code issues and changes with the students; and
17. Module 17: Fire Investigation:
- Hours required: six;
 - Subject areas:
 - Review duties of fire officials to investigate fires;
 - Basic fire investigation techniques;
 - Scene approach and documentation;
 - Interviewing victims, witnesses, and responders; and
 - Preserving evidence.]
- 1. Module 1: Introduction and History of Code Enforcement:**
- History of Fire Prevention/Code Enforcement; and
 - Basic fire chemistry;
- 2. Module 2: The Theory of Fire Code Enforcement:**
- Building and fire codes;
 - Building classifications; and
 - Code applications;
- 3. Module 3: Code Administrative Requirements:**
- Classification of Use Groups;
 - Uniform Fire Code-NJ Life Hazard Uses;
 - Relation of Fire Code to Building Code; and
 - Uniform Construction Code Regulations and Subcodes;
- 4. Module 4: Legal Aspects of Fire Prevention:**
- Uniform Fire Safety Act Statutes, N.J.S.A. 52:27D-192; and
 - Introduction to N.J.A.C. 5:70-1 and 2 and 5:71-3;
- 5. Module 5: Referenced Standards:**
- Difference between a Code and a Standard;
 - When to apply referenced Standards;
 - How to apply NFPA reference Standards;
 - Breakdown of NFPA Standards, Guides, and Manuals; and
 - Overview of NFPA Standards, ANSI, ASME, NIOSH, BOCA, ICC;
- 6. Module 6: Inspection Overview:**
- Ethics and demeanor;
 - Pre-inspection preparation;
 - Right of entry and methods;
 - Interviewing;
 - Documentation methods;
 - Onsite record reviews;
 - Sampling and testing;
 - Report content; and
 - The inspector as a witness;
- 7. Module 7: Building Construction and Plan Review:**
- Types of construction as listed in the IBC;
 - Height and area limitations in the IBC;
 - Fire resistance ratings;
 - Methods of fire resistance rating IBC;
 - Continuity of ratings;
 - Truss construction concepts;
 - Types of loads (dead, live, fuel);
 - Load carrying design of beams and columns;
 - Recognizing construction deficiencies; and
 - Types of plans:
 - Site plans;
 - Plot plans;
 - Architectural plans;
 - Mechanical plans;

- (5) Foundation plans;
- (6) Floor plans;
- (7) Electrical plans;
- (8) Views (plan, elevation, sectional, detail); and
- (9) Sprinkler system plans;
- 8. Module 8: General Fire/Hazard Recognition:
 - i. Equipment, processes, and storage;
 - ii. Special events, opening burning/bonfires;
 - iii. Housekeeping practices, issuance, and permit inspection; and
 - iv. Principals of electrical hazards (static, dielectric, resistance);
- 9. Module 9: Occupancy Loads/Means of Egress:
 - i. Purpose and Importance;
 - ii. Historical perspectives; and
 - iii. Components, terms, application;
- 10. Module 10: Fire Protection Systems:
 - i. Fire sprinkler systems;
 - ii. Standpipe systems;
 - iii. Water supplies and testing;
 - iv. Fire pumps;
 - v. Fire alarm systems;
 - vi. System monitoring;
 - vii. Hood protection systems;
 - viii. Smoke removal system; and
 - ix. Fire extinguishers;
- 11. Module 11: Fire Protection System Code Requirements:
 - i. A general review of water based protection systems;
 - ii. Code requirements pertaining to Fire Protection Systems; and
 - iii. Uniform Construction Code-NJ various adopted codes and relationships;
- 12. Module 12: Hazardous Materials:
 - i. Basic hazardous materials chemistry;
 - ii. Physical hazards definitions and examples;
 - iii. Health hazards definitions and examples;
 - iv. Research materials and MSDS;
 - v. Relationship to U.S. Environmental Protection Agency, U.S. Department of Transportation, and New Jersey Department of Environmental Protection rules and regulations;
 - vi. Containment systems and methods;
 - vii. Discharges and local response protocols; and
 - viii. State Fire Prevention Code Requirements;
- 13. Module 13: Specific Operations:
 - i. Fireworks;
 - ii. Explosives;
 - iii. Sleep overs;
 - iv. Paint Spraying;
 - v. Welding and Cutting; and
 - vi. Applications of Flammable/Combustible liquids;
- 14. Module 14: Retrofit Code:
 - i. History of the Retrofit provisions;
 - ii. NFPA Life Safety Code 101 background;
 - iii. Relationship to the Uniform Construction Code;
 - iv. When Retrofit applies;
 - v. Historic structures;
 - vi. Fire protection plans; and
 - vii. Specific Subchapter 4 requirements;
- 15. Module 15: Inspection Skills and Tools:
 - i. Types of inspections;
 - ii. Purpose of inspections;
 - iii. Applying the "Three Es" of fire prevention;
 - iv. Inspection equipment and tools;
 - v. Inspector health and safety; and
 - vi. Issuing violation notices;
- 16. Module 16: Practical Evolutions:
 - i. Guided field inspections of a multi occupancy structure; and
 - ii. Hands-on water flow tests;
- 17. Module 17: Current Code Changes:
 - i. Code Update CEU program review;
- 18. Module 18: Fire Investigation:
 - i. Review duties of fire officials to investigate fires;
 - ii. Types of investigations;

- iii. Basic fire investigation techniques;
- iv. Scene approach and documentation;
- v. Interviewing victims, witnesses, and responders; and
- vi. Preserving evidence, legal aspect of evidence collection, working with other agencies, requesting assistance; and
- vii. Documentation processes;
- 19. Module 19: Terrorism Indicators:
 - i. Overview of terrorism;
 - ii. History;
 - iii. Intelligence gathering;
 - iv. Situational awareness;
 - v. Hazardous materials and CBRNE awareness;
 - vi. Visual indicators;
 - vii. Clandestine lab hazards, types, and clean-up; and
 - viii. Pros, cons, and ramifications of becoming an agent for law enforcement; and
- 20. Module 20: Add Ons (optional):
 - i. Classroom review of slides representing hazards/violations with students identifying the problem and providing exact code citations to support conclusion;
 - ii. Large loss or multiple fatality fire code history analysis;
 - iii. Legal liability;
 - iv. Relationship to other government agencies;
 - v. LEA operations;
 - vi. Local government operations;
 - vii. Use of the internet; and
 - viii. Ride-along.
- (g) (No change.)

5:71-4.11 Examination requirements

(a) Examinations shall be administered by [BOCA] the International Code Council prior to December 31, 2015, and thereafter, shall be administered by the Office of Training and Certification within the Division of Fire Safety to establish eligibility for certification as a fire inspector.

1. Applicants for [fire inspector] Fire Inspector certification shall demonstrate competence by successful completion of the [BOCA Fire Prevention Inspector 1 examination] International Code Council Fire Inspector 1 examination prior to December 31, 2015, thereafter, shall demonstrate competence by successful completion of the New Jersey Fire Inspector written examination developed and administered by the Office of Training and Certification within the Division of Fire Safety.

2. A minimum passing score of 70 percent correct shall be required from applicants to demonstrate competence on the New Jersey Fire Inspector written examination administered by the Office of Training and Certification within the Division of Fire Safety.

i. Applicants shall have three opportunities to successfully pass the written examination. If an applicant fails upon the third attempt to pass an examination, he or she shall be required to repeat the adopted training program in its entirety before additional examinations will be administered to the individual for the title tested.

5:71-4.12 Learning disabilities accommodations

(a) Accommodations for persons with documented learning disabilities will be established for written examinations as follows:

1. The Office of Training and Certification within the Division of Fire Safety and eligible institutions or organizations approved through this chapter shall offer reasonable and appropriate accommodations for those persons with learning disabilities in reading decoding, reading comprehension, and/or written expression.

2. A person requesting accommodations for written examinations shall make the request to the instructor of the training program, at least 30 calendar days prior to the examination date.

3. Documentation of the learning disability shall include one of the following:

i. A diagnosis based upon the results of a standardized psycho-educational assessment, including an individually administered

standardized measure of intelligence and an individually administered standardized measure of achievement in reading decoding, reading comprehension, and/or written expression; or

ii. A diagnosis made by a qualified professional, according to the criteria outlined in the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM-5) (5th Edition), incorporated herein by reference, as amended and supplemented. This manual may be obtained by contacting the American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209 or at www.psychiatry.org.

(b) All diagnoses shall have been made within five years of the date of the written examination.

(c) A person who qualifies for accommodations, as reviewed and determined by the training program staff, shall be permitted a total of three hours to complete a 100-question exam, one and one-half hours for a 50-question exam, and 45 minutes for a 25-question exam. Variations of these written examinations which use different quantities of examination questions shall be adjusted at the discretion of the Chief/Senior instructor to reflect a comparable accommodation.

(d) A person who qualifies for accommodations, as reviewed and determined by the training program staff, shall be permitted to receive the written examination by oral delivery from the training program staff. Oral examinations shall be delivered using the ratio of 1:1 (one instructor to one student).

(e) A maximum of three attempts per examination title shall be provided for a student to pass written examinations. A minimum passing score shall be 70 percent correct.

(f) All attempts to successfully pass written examinations shall be completed by the student according to the eligible organization’s policies and course completion timeline requirements.

5:71-4.13 National credentialing of certifications issued

(a) Certifications issued pursuant to this subchapter, which have been accredited by the National Board on Fire Service Professional Qualifications (“NBFSPQ” or “Pro Board”) and/or by the International Fire Service Accreditation Congress (IFSAC), shall be processed through the Office of Training and Certification.

1. Applicants seeking national credentialing of certifications issued through this subchapter shall meet the policies and procedures established by the Office of Training and Certification.

(b) National credentialing shall conform to the policies and procedures of the Pro Board and IFSAC, incorporated herein by reference, as amended and supplemented by either organization.

(c) The payment of a certificate registration fee established through the Pro Board and/or IFSAC for each certification issued may be required, as established or amended by these independent credentialing organizations. The specific fees applied shall be set forth in the application form established by the Office of Training and Certification.

(a)

DIVISION OF FIRE SAFETY

Standards for Fire Service Training and Certification

Proposed Amendments: N.J.A.C. 5:73-1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.9, 1.11, 2.1, 2.2, 2.3, 2.4, and 2.5

Proposed Repeals and New Rules: N.J.A.C. 5:73-4 through 8

Proposed New Rules: N.J.A.C. 5:73-3 and 9 through 18

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: Uniform Fire Safety Act (P.L. 1983, c. 383, N.J.S.A. 52:27D-192 et seq., specifically 52:27D-198 and 52:27D-219).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-210.

Submit written comments by October 20, 2017, to:

Kathleen Asher
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
E-mail: Kathleen.Asher@dca.nj.gov
Fax Number: (609) 984-6696

The agency proposal follows:

Summary

The following changes to the Standards for Fire Service Training and Certification are proposed:

The proposed modifications to existing rules and the enactment of new rules stem from the authority of the Uniform Fire Safety Act (P.L. 1983, c. 383, N.J.S.A. 52:27D-192 et seq., specifically 52:27D-198 and 52:27D-219) and of the act that establishes a Division of Fire Safety in the Department of Community Affairs (Department) (P.L. 1983, c. 382, amended by P.L. 1993, c. 218; N.J.S.A. 52:27D-25a et seq., specifically 52:27D-25d, and further amended by P.L. 1995, c. 266; N.J.S.A. 52:27D-25a et seq., specifically 52:27D-25i, j, k, and m), which has been adopted to ensure public safety and welfare. In order for fire suppression activities to be conducted adequately and effectively, members of the fire service will need to have sufficient knowledge and competence. This can best be achieved through the creation of an education and training program and the development of certification requirements. It is the intent of the Standards for Fire Service Training and Certification to control all matters relating to qualifications for, and the training and certification of all members of the fire service.

The Department proposes to create new subchapters to promote the training and credentialing of newly proposed certification titles for the fire service and to repeal and replace, reformat, and rewrite Subchapters 3 through 8. The Department is also proposing new Subchapters 9 through 18. A common format will be used throughout Subchapters 3 through 18, where possible, to uniformly format the subchapters. The approach throughout Subchapters 3 through 18 will be to establish the purpose for the certification and the titles to be certified, adopt training and credentialing standards and editions, establish authority to the Office of Training and Certification to adopt training programs and training materials, develop policies and procedures for training and credentialing, develop and administer examinations, establish instructor requirements for program delivery, approve all training organizations, facilities, and equipment, and to issue national credentialing, where approved by the National Board on Fire Service Professional Qualifications (“Pro Board” or “NBFSPQ”) and the International Fire Service Accreditation Congress (IFSAC).

Language has been included in the credentialing subchapters that will identify the standard and edition adopted, and will automatically adopt any subsequent edition adopted by the National Fire Protection Association (NFPA). This approach will ensure that the most recent edition of the standards adopted are applied within the training and credentialing programs. Once a standard edition is changed, the Division of Fire Safety will have two years to update training and credentialing programs to the newer standard edition. This provision is consistent with the requirements of the national credentialing organizations of the Pro Board and IFSAC. A change has been initiated within the subchapters, which will remove the identification of the adopted publisher and publications from the subchapters, unless specified by the Office of Training and Certification. The publisher and publication information will be obtainable through the Office of Training and Certification, which will ensure that adopted standards/editions and publishers training programs remain current, and do not become obsolete upon a change of a standard edition or a change to a publisher and/or its publications. The purchasing of the adopted training program and its associated publications will be through the specific publisher adopted by the Office of Training and Certification.

This rulemaking presents the following changes to the current subchapters of this chapter and creates new subchapters as specified. The