

**STATE OF NEVADA
NEVADA STATE BOARD OF FIRE SERVICES**

October 8, 2015

10:00 am

Reno Sparks Convention Center
Fire Shows West
4590 S. Virginia Street
Reno, Nevada 89502

MINUTES OF BOARD MEETING

Members Present: Chair Eric Guevin - Fire Marshal, Tahoe Douglas Fire Protection District
David Fogerson - Deputy Chief of Operations, East Fork Fire Protection District
JoAnne Hill - Member of the Public
Elaine Pace - Fish Springs Volunteer Fire Department Chief, East Fork Fire Protection District
Peter Mulvihill - Chief, Nevada State Fire Marshal Division
Jeffrey Buchanan – Deputy Chief, Clark County Fire Department
Domingo Cambeiro - Architect, DCC Architects

Also Present: Gwen Barrett - Executive Admin. Assistant, Nevada State Fire Marshal Division
Mike Jensen - Senior Attorney General, Attorney General's Office,
Marty Larsen - Bureau Chief, Nevada State Fire Marshal Division
Jim Wright - Director, Department of Public Safety
Matt Griego - Chief, Elko Fire Department
Robert Fash - Deputy Fire Marshal, Las Vegas Fire and Rescue
Ross Rivera - Fire Chief, Ely Fire Department
Bill Erlach - Captain, Reno Fire Department
Josh Halterman - Training Officer, Nevada State Fire Marshal Division
Seth Williams - Division Chief, Reno Fire Department
Dennis Pinkerton - Training Bureau Chief, Nevada State Fire Marshal Division

I. Call to Order Non-Action Item

Chair Eric Guevin called the Board Meeting to order.

II. Verification of Notice of Compliance with Open Meeting Law Non-Action Item

Chair Guevin verified with Gwen Barrett that compliance had been met in accordance with the Nevada Open Meeting Law.

III. Roll Call and Introductions Non-Action Item

Gwen Barrett took roll and established a quorum. Chair Guevin asked for introductions.

IV. Public Comment

There was no public comment.

V. Election of a State Board of Fire Services Chairperson Discussion/Action Item

Chair Guevin asked for nominations. Domingo Cambeiro nominated Eric Guevin. David Fogerson seconded the nomination. There were no other nominations.

Domingo Cambeiro moved to nominate Eric Guevin to the position of State Board of Fire Services Chairperson. David Fogerson seconded the motion. The motion carried.

VI. Approval of the June 26, 2015 Meeting Minutes Discussion/Action Item

Elaine Pace moved to approve the June 26, 2015 meeting minutes. Domingo Cambeiro seconded the motion. The motion carried.

VII. Discussion of the Nevada Entry Firefighter Level Certification Discussion/Action Item

Dennis Pinkerton explained that the Entry Level Firefighter (ELF) position is not being used as it was designed to be. In the last five (5) years, there have been three (3) agencies that have requested certification of this level and out of those three (3) agencies, one (1) of them is using it for their official firefighter certification. He gave background on the original intent of the certification and that was to comply with NFPA 1403 - to certify Entry Level Firefighters to go into a training fire. He added that out of the three (3) agencies currently using the certification: Lovelock Volunteer Fire Department will be discontinuing use altogether due to their minimum standards rising; the Nevada Test Site use of the certification will be discussed with them and the potential of it being eliminated; and the last is a mine that shouldn't have received certification. Dennis Pinkerton gave the opinion that a possible Public Workshop should be established to get perspective.

Chair Guevin asked for clarification on whether the Nevada Test Site was using the certification as it was intended. Dennis Pinkerton explained that they were using it as like an internship, but they use the ELF Program to get to the Firefighter I. He further explained that from the ELF Program to Firefighter I there are only eight (8) more elements built into the curriculum.

Robert Fash asked if the intent of ELF was to be similar to Fire Explorers or people with an interest in becoming firefighters. Dennis Pinkerton answered that it was built for existing members to gain base knowledge to go into the training environment/training fire.

David Fogerson gave further background on why the ELF Program was developed. He explained that it was developed for rural fire departments that could not put a person all the way through Firefighter I.

Domingo Cambeiro asked about the Certification Requirements section, specifically number 2. He read the requirement out loud: "be employed and/or affiliated with a fire department, fire district or any political subdivision or agency of the State or Federal Government within the state of Nevada" and then asked, are those the only ones that are allowed to be firefighters? Dennis Pinkerton confirmed that to be so, explaining that you had to be affiliated with an agency within the State of Nevada. David Fogerson added additional clarification; anyone can take the class and get certification but to act as a Firefighter, you must be a member of an organization, which is an NRS requirement.

Matt Griego asked if this would eliminate the ELF. Dennis Pinkerton confirmed it would. Matt Griego then asked if it would be the AHJ's (Authority Having Jurisdiction) responsibility to give the 1403 training while in a Firefighter I program. Dennis Pinkerton confirmed it would be their responsibility.

Chair Guevin asked if there was difficulty in recertification, if there were more requirements for an ELF or a Level I Firefighter. Dennis Pinkerton explained that there were very few differences. He also explained that the ELF Program is not a tested program and there is no third-party evaluation of that certification. Chief Mulvihill added that the ELF is not an accredited certification through IFSAC whereas the Firefighter I program is IFSAC accredited. He reiterated that by completing a few more elements, you get an accredited certification that is tested and third-party evaluated, and is recognized in other states.

David Fogerson reminded the Board that there is no State law that says a Firefighter has to be certified by the State of Nevada Fire Marshal's Office. He further discussed that there is a liability in issuing certificates stating qualifications have been met but not tested.

Chief Mulvihill asked the Board to provide some direction on record so they can prepare revisions to the manual to present at the next meeting. Chair Guevin confirmed with Mike Jensen that no action needed to be taken to direct staff to research this and get back to the Board.

There was further discussion about the different ranks and how one achieves those ranks. There was also discussion about the certification process, including reciprocity. Chief Mulvihill indicated that reciprocity works both ways, as an example the Department of Defense firefighter training programs are also IFSAC accredited and we recognize them as such. Many agencies recognize our certificates as well as our agency recognizing other certificates.

Jim Wright suggested that a retitling of the name as an example "Firefighter Orientation" might be appropriate and solve any issues. Chair Guevin concurred. Matt Griego discussed his findings from other rural fire departments and the requirement for HazMat Operations certification and the struggle to obtain that, therefore many departments use the ELF. Dennis Pinkerton described several things that were happening with IFSAC to offer online programs.

Chair Guevin reiterated that the Board would like this to be researched and presented to the Board with options at the next meeting. Dennis Pinkerton will put out an email for input and report results with a formal proposal at the next meeting.

VIII. Discussion of the Exemption Indicated on the Nevada Certificate Discussion/Action Item

Dennis Pinkerton stated that there is difficulty with "exemptions" and would like direction from the Board. He provided background to the Board on the decision to allow staff to approve exemptions. Hazardous Materials (HazMat) requirement for certification is now a requirement by NFPA 1001. Exemptions were built for the agencies that did not perform that type of work, ie; Winnemucca does not perform extrications therefore they are not tested on extractions with a note of the exemption on their certificate. Currently the Training Unit is getting requests for exemptions on HazMat which is now a requirement by NFPA; therefore, staff is not comfortable making decisions on these exemption requests.

David Fogerson provided additional background information on the creation of the exemptions and their intent. He asked if most people are following NFPAs and if the exemption can be eliminated saying you either meet NFPA qualifications or you don't. He feels the real discussion to have is whether we need the Nevada Certificate instead of the IFSAC Certificate that says you have an exemption.

Chair Guevin asked if IFSAC weighs in on this issue. Dennis Pinkerton explained that there is the

Nevada Track and the NFPA track, the Nevada Track stops at Officer I.

Chair Guevin stated that he cannot agree with waiving HazMat because everything that is done is with HazMat. Domingo Cambeiro stated that smaller departments need exemptions.

Chief Mulvihill explained why staff members are uncomfortable processing HazMat exemptions, as the requests conflict with county LEPC's stated level of response, moving forward, these requests will be directed to the Board instead of being decided at the staff level.

Chair Guevin asked what other exemptions were being requested and Dennis Pinkerton replied, Wildland. JoAnne Hill asked if there were exemptions being requested for EMS. Dennis Pinkerton responded that there were not.

David Fogerson provided that you do not have to be certified in the State of Nevada as a Firefighter to be a Firefighter. He added that at the time exemptions were made IFSAC did not exist, therefore they had the two tracks. He then asked is exemptions are really needed because a Fire Chief could sign a certificate and not involve the Fire Marshal's Office in dealing with exemptions. He then added the HazMat exemption worries him along with Wildland because the first responders of our State should be versed in the top three (3) risks to our State: wildland, flood and earthquake.

Chair Guevin commented that it is a loophole that needs to be tightened up. The Board could face potential liabilities if someone is certified but not properly trained or tested. Firefighters and public safety cannot be compromised with these loopholes, we need to tighten them up.

Matt Griego commented that it seems there does not need to be a State Track, only NFPA Track, which gets rid of the exemptions and takes the liability off of the State by certifying at a national level. Dennis Pinkerton added that there was another issue with the 1582 Medical Requirement. He added the smaller AHJs cannot afford the expense of going only through NFPA and that's why the Nevada Track remained important. David Fogerson added that physicals are required, per NRS statute.

Chair Guevin asked Dennis Pinkerton what would happen if these loopholes were closed. Dennis Pinkerton stated that currently no documents are requested, it's all through "check the box." David Fogerson stated that we should consider leaving it as is, so not to cross NRS with NFPA requirements.

Jeffrey Buchanan added that the NFPA qualifications for physicals are more stringent than NRS 617. He added that the Board should be careful not to jeopardize presumptive benefits.

Chair Guevin agreed that there may be a need to keep it. Chief Mulvihill agreed that there may be a need to keep the Nevada Track, cutting further holes on significant items.

A motion was made to direct staff to bring back to the next meeting language that would make the Nevada certificate comply with the NRS requirements for physicals and eliminate the exemption ability for all other areas.

Dave Fogerson moved to direct the staff to make appropriate corrections and report back to the Board. Chair Guevin seconded the motion. The motion carried.

IX. Update on Activities of the State Fire Marshal Division Non-Action Item

Chief Mulvihill thanked the Fire Shows Wests organizers for providing today's meeting facilities.

He stated that Fire Prevention Week is this week and the Governor has issued a proclamation, which he read the proclamation to the Board.

He stated that they were proud to have provided gear-on/hands-on “live fire training” on October 6 and excellent media coverage was received. He gave thanks to East Fork Fire Protection District, Nevada National Air Guard Fire Department, Reno Fire Department, and Storey County Fire Department for providing apparatus and personnel to assist with the “live fire training.”

He stated that they also put on a 16-hour National Fire Academy Course “Shaping the Future” a prerequisite to enter the Executive Fire Officer program at the National Fire Academy, and it was very well attended.

This Saturday is the Annual Firefighter Memorial Service at Mills Park in Carson City. He gave credit to Carson City Parks and the Carson City Fire Department for doing a good job maintaining the memorial.

The Board received an update on a person arrested for invoice fraud. He pleaded guilty for felony charges in Nevada and is providing full restitution to 29 Nevada businesses that were affected by him.

On October 9, there will be a Public Workshop in regards to regulations being processed through R077-15. There are six (6) sections that need to be revised with regards to the requirement that a written notarized application be completed for new licenses or renewals. We want to remove the term “written notarized.”

He noted the BBQ that was put on to celebrate 50 years of service to the State of Nevada as State Fire Marshal’s Office. A number of people showed up and they had a good time.

X. Schedule the Next Regular Meeting of the Nevada State Board of Fire Services. Discussion/Action Item

Chair Guevin stated that the next tentative date for the State Board of Fire Services Meeting is at the Annual Nevada State Firefighters Association Annual Conference in June, 2016.

XI. Public Comment Non-Action Item

There was no public comment.

Domingo Cambeiro took a moment to welcome all of the new Members to the Board.

Chief Mulvihill added that there was a new Board Member that was absent today, Terry Wilferd, with the Henderson Fire Department. We have two openings, pending the Governor’s appointment.

XII. Adjournment Discussion/Action Item

Domingo Cambeiro moved to adjourn. David Fogerson seconded the motion. The motion carried.