

**R710. Public Safety, Fire Marshal.**

**R710-12. Hazardous Materials Training and Certification.**

**R710-12-1. [~~Adoption, Title,~~] Purpose[, ~~and Prohibitions~~].**

~~[Pursuant to Section 53-7-204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts]~~ The purpose of this rule is to establish minimum rules establishing ongoing training standards for hazardous materials emergency response agencies. The Board also adopts minimum rules for certification for persons who provide hazardous materials emergency response services.

~~[There is adopted as part of these rules the following codes which are incorporated by reference:~~

~~1.1 National Fire Protection Association (NFPA), Standard 472, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents, 2008 edition, except as amended by provisions listed in R710-12, et seq.~~

~~1.2 A copy of the above-mentioned standard is on file in the Office of Administrative Rules and the State Fire Marshal's Office.]~~

**R710-12-2. Authority.**

This rule is authorized by Section 53-7-204.

**R710-12-3. Adoption.**

There is adopted as part of these rules the National Fire Protection Association (NFPA), Standard 472, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents, 2008 edition, except as amended by provisions as outlined in this rule.

**R710-12-[2]4. Definitions.**

~~[2.1]~~ (1) "AHJ" means Authority Having Jurisdiction.

~~[2.2]~~ (2) "Board" means Utah Fire Prevention Board.

~~[2.3]~~ (3) "Certificate" means a written document issued by the Institute of Emergency Services and Homeland Security through the Utah Fire Service Certification System, to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.

~~[2.4]~~ (4) "Council" means Hazardous Materials Advisory Council.

~~[2.5]~~ (5) "Emergency response agencies" means those agencies that are created and under the control of local, state or federal government or regional inter-governmental agencies to provide emergency response for hazardous materials.

~~[2.6]~~ (6) "Hazardous Material" means a substance that can be solid, liquid or gas, that when released is capable of creating harm to people, the environment and property and includes weapons of mass destruction as well as illicit labs, environmental crimes, and industrial sabotage.

~~[2.7]~~ (7) "Emergency Response Services" means providing or coordinating on-site protective or offensive actions to reduce the risk of harm to people, the environment and property during the initial, time-critical phase of a hazardous materials/WMD incident.

~~[2.8]~~ (8) "Institute of Emergency Services and Homeland Security" means a college entity of Utah Valley University of that same name.

~~[2.9]~~ (9) "NFPA" means National Fire Protection Association.

~~[2.10]~~ (10) "SFM" means State Fire Marshal or authorized deputy.

~~[2.11 "UCA" means Utah State Code Annotated 1953 as amended.~~

~~2.12] (11) "Utah Fire Service Certification System" means the system approved by the Board to provide certification to those emergency personnel certifying in hazardous materials.~~

**R710-12-[3]5. Hazardous Materials Advisory Council.**

[3.1] (1) There is created by the [B]board, the Hazardous Materials Advisory Council, whose duties are to provide direction to the [B]board in matters relating to training and certification standards for hazardous materials emergency responders and emergency response agencies.

[3.2] (2) The [C]council's members shall be appointed by the [B]board, shall serve four year terms, and shall consist of the following members:

[3.2.1] (a) a [R]representative from the career fire service[-];

[3.2.2] (b) a [R]representative from the volunteer fire service[-];

[3.2.3] (c) a [R]representative from the Department of Environmental Quality[-];

[3.2.4] (d) a [R]representative from the Department of Transportation[-];

[3.2.5] (e) a [R]representative from law enforcement[-];

[3.2.6] (f) a [R]representative from the Fire and Rescue Academy[-];

[3.2.7] (g) a [R]representative from the [Hazardous Materials Institute]State Fire Marshal office[-];

[3.2.8] (h) a [R]representative from the National Guard[-];

[3.2.9] (j) a [R]representative from a Local Emergency Planning Committee[-(LEPC)-]; and

[3.2.10] (k) a [R]representative from private industry.

[3.3] (3) The [C]council shall meet quarterly or as directed, and a majority of the members shall be present to constitute a quorum.

[3.4] (4) The [C]council shall select one of its members to act in the position of chair, and another member to act as vice chair.

(a) The chair and vice chair shall serve one year terms on a calendar year basis.

(b) Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of each calendar year.

(c) If voted upon by the council, the vice chair will become the chair the next succeeding calendar year.

[3.5] (5) If a [C]council member has two or more unexcused absences during a 12 month period, from regularly scheduled meetings, it is considered grounds for dismissal pending review by the [B]board. The Coordinator shall submit the name of the member to the [B]board for status review.

[3.6] (6) A member of the [C]council that cannot be in attendance, may have a representative of their respective organization attend and vote by proxy for that member or the member may have another council member vote by proxy, if submitted and approved by the [C]coordinator prior to the meeting.

[3.7] (7) The [C]chair or [V]vice [C]chair of the [C]council shall report to the [B]board the activities of the council at regularly scheduled [B]board meetings. The [C]coordinator may report to the [B]board the activities of the council in the absence of the [C]chair or [V]vice [C]chair.

[3.8] (8) The [C]council shall consider all subjects presented to

them, subjects assigned to them by the [B]board, and shall report their recommendations to the [B]board at regularly scheduled [B]board meetings.

~~[3.9]~~ (9) One-half of the members of the [E]council shall be reappointed or replaced by the [B]board every two years.

#### **R710-12-[4]6. Training.**

[4.1] (1) Instruction materials designed for statewide use that will teach minimum core competencies for those persons certifying to provide response services regarding hazardous material emergencies shall be approved by the [E]council and accepted by the Utah Fire Service Certification Council.

[4.2] (2) Written examinations, practical or actual demonstrations, and any other required testing given for core competency, for those persons certifying to provide response services regarding hazardous material emergencies statewide, shall be approved by the [E]council and accepted by the Utah Fire Service Certification Council.

#### **R710-12-[5]7. Certificates.**

[5.1] (1) ~~[Required Certificates.]~~ No person shall provide hazardous materials services as a member of an emergency response agency without first receiving ~~[a certificate issued by the Institute of Emergency Services and Homeland Security or]~~ a certification issued by the Utah Fire Service Certification Council.

[5.2] (2) ~~[Application.]~~

~~5.2.1]~~ To be certified in hazardous material response, a request for certification shall be made in writing to the Utah Fire Service Certification System.

[5.2.2] (a) The applicant shall indicate which of the five certification levels the applicant will apply for:

[5.2.2.1] (i) Awareness Level;

[5.2.2.2] (ii) Operations Level Responder;

[5.2.2.3] (iii) Hazardous Materials Technician;

[5.2.2.4] (iv) Hazardous Materials Officer; or

[5.2.2.5] (v) Hazardous Materials Incident Commander.

[5.3] (3) Examination.

~~[The applicant for a certificate shall complete the following:~~

~~5.3.1]~~ (a) An applicant certifying at the Awareness Level shall be trained to meet all the competencies in Chapter 4 of NFPA 472 and pass a written examination with a minimum score of 70%.

[5.3.2] (b) An applicant certifying as an Operations Level Responder shall meet all the requirements listed in Section ~~[5.3.1 of these rules]~~ R710-12-7(3) (a), and shall be trained to meet all the competencies in Chapter 5 of NFPA 472, and pass a written examination with a minimum score of 70%. The applicant shall also pass a practical or actual demonstration on some selected aspects of hazardous materials consistent with the level seeking certification.

[5.3.3] (c) An applicant certifying as a Hazardous Materials Technician shall pass all the requirements listed in Sections ~~[5.3.1 and 5.3.2 of these rules]~~ R710-12-7(3) (a) and R710-12-7(3) (b), and shall be trained to meet all the competencies in Chapter 7 of NFPA 472, and shall pass a written examination with a minimum score of 70%. The applicant shall also pass a practical or actual demonstration on some selected aspects of

hazardous materials consistent with the level seeking certification.

~~[5.3.4]~~ (d) An applicant certifying as a Hazardous Materials Officer shall meet all the requirements listed in Sections ~~[5.3.1, 5.3.2 and 5.3.3 of these rules]~~ R710-12-7(3) (a) through R710-12-7(3) (b), and shall be trained to meet all the competencies in Chapter 10 of NFPA 472, and shall pass a written examination with a minimum score of 70%. The applicant shall also pass a practical or actual demonstration on some selected aspects of hazardous materials consistent with the level seeking certification.

~~[5.3.5]~~ (e) An applicant certifying as a Hazardous Materials Incident Commander shall meet all the requirements listed in Sections ~~[5.3.1, 5.3.2 and 5.3.3 of these rules]~~ R710-12-7(3) (a) through R710-12-7(3) (b), and shall be trained to meet all the competencies in Chapter 8 of NFPA 472, and shall pass a written examination with a minimum score of 70%. The applicant shall also pass a practical or actual demonstration on some selected aspects of hazardous materials consistent with the level seeking certification.

~~[5.4]~~ (4) ~~[Issuance.]~~ Following receipt of the properly completed application ~~[7]~~ and compliance with Section ~~[5.3 of these rules]~~ R710-12-7(3), the Institute of Emergency Services and Homeland Security through the Utah Fire Service Certification Council shall issue a certificate.

~~[5.5]~~ (5) ~~[Original and Renewal Valid Date.]~~ Original certificates shall be valid for three years from the date of certification issuance. Thereafter, each certificate of registration shall be renewed every three years from issuance, unless otherwise specified by a Utah certification standard.

~~[5.6]~~ (6) ~~[Renewal Date.]~~ Renewal shall be made as directed by the Utah Fire Service Certification Council.

~~[5.7]~~ (7) ~~[Re-certification Renewal.]~~ Every holder of a valid certificate shall provide to the Utah Fire Service Certification Council written verification from the authorizing agency that they have received continuing training in hazardous materials necessary to maintain competency over the previous three-year period of certification issuance.

#### **R710-12-~~[6]~~8. Adjudicative Proceedings.**

~~[6.1]~~ All adjudicative proceedings performed with regard to a certificate issued under Section ~~[5 of these rules]~~ R710-12-7 shall proceed as outlined in the Utah Fire Service Certification System, Policy and Procedures Manual.

#### **R710-12-~~[7]~~9. Fees.**

~~[7.1 Payment of Fees.]~~ The required fee for certification and recertification shall be paid to the Utah Fire Service Certification System.

**KEY: hazardous materials**

**Date of Enactment or Last Substantive Amendment: May 23, 2008**

**Notice of Continuation: March 8, 2013**

**Authorizing, and Implemented or Interpreted Law: 53-7-204**