

HOUSE BILL No. 6186

June 12, 2018, Introduced by Reps. Yaroch, Yanez, Sabo, Cochran and Allor and referred to the Committee on Natural Resources.

A bill to amend 1966 PA 291, entitled "Firefighters training council act," by amending sections 2 and 9 (MCL 29.362 and 29.369), as amended by 2017 PA 144, and by adding section 9c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Airport rescue firefighter" means an employee of or
3 volunteer assigned by a political subdivision to assist an
4 organized fire department or public safety department who is
5 certified under National Fire Protection Association standard no.
6 1003 and meets the requirements of the Federal Aviation

1 Administration under 14 CFR part 139, whose job description,
2 duties, or responsibilities include responding to an aircraft
3 accident.

4 (b) "Certificate" means a numbered document issued by the
5 state fire marshal to a person who has obtained certification under
6 this act.

7 (c) "Certification" means either of the following:

8 (i) A determination by the state fire marshal that a person
9 meets the certification requirements for a position within the fire
10 service, as established by the council under this act. Recognized
11 positions in the fire service include, but are not limited to,
12 firefighter, fire chief, public safety director, fire inspector,
13 plans examiner, fire investigator, fire officer, hazardous
14 materials responder, technical rescue responder, airport rescue
15 firefighter, and fire service instructor. Certifications for each
16 position within the fire service must comply with the Michigan
17 occupational safety and health administration general industry
18 safety standard, R 408.17411 of the Michigan Administrative Code.

19 (ii) A determination by the state fire marshal that a person
20 was employed as a firefighter before October 1, 1988 and that the
21 person is otherwise authorized under this act to be employed as a
22 firefighter.

23 (d) "Contested case" means that term as defined in section 3
24 of the administrative procedures act of 1969, 1969 PA 306, MCL
25 24.203.

26 (e) "Council" means the firefighters training council created
27 under section 3.

1 (f) "Executive secretary" means the executive secretary of the
2 council.

3 (g) "Felony" means a violation of the laws of this state,
4 another state, or the United States that is designated as a felony.

5 (h) "Firefighter" means a member of an organized fire
6 department or public safety department who is responsible for, or
7 is in a capacity that includes responsibility for, the
8 extinguishment of fires, the directing of the extinguishment of
9 fires, the directing or management of emergency response
10 activities, fire safety prevention inspection, plans examination,
11 fire investigation, hazardous materials response, technical rescue
12 response, airport rescue response, airport rescue firefighting,
13 fire service instruction, and the enforcement of the general fire
14 laws of this state and the community where he or she serves.

15 (i) "Firefighter training" means an education or training
16 program including a program eligible to receive funding from the
17 fireworks safety fund created in section 11 of the Michigan
18 fireworks safety act, 2011 PA 256, MCL 28.461, and other training
19 programs as approved by the state fire marshal, designed and
20 intended to enhance the ability of an organized fire department or
21 public safety department and the personnel of an organized fire
22 department or public safety department to safeguard life and
23 property from damage from explosion, fire, or disaster, and to
24 deliver fire suppression, emergency medical service, hazardous
25 material response, technical rescue, airport rescue and
26 firefighting, fire inspection, fire investigation, fire safety
27 education, and other related fire services.

1 (j) "Fire chief" means the individual who serves as the
2 administrative head of an organized fire department.

3 (k) "Fire inspector" means an employee of or volunteer
4 assigned by a political subdivision to assist an organized fire
5 department or public safety department whose job description,
6 duties, or responsibilities include, or who is in a capacity that
7 includes responsibility for, inspecting property for fire code
8 violations and enforcing the general fire codes of the jurisdiction
9 that he or she serves.

10 (l) "Fire instructor" means an employee of or volunteer
11 assigned by a political subdivision to assist an organized fire
12 department or public safety department, or other individual who is
13 certified to instruct 1 or more council-approved fire service
14 training programs.

15 (m) "Fire investigator" means an employee of or volunteer
16 assigned by a political subdivision to assist an organized fire
17 department or public safety department who is certified under
18 National Fire Protection Association standard no. 1033, whose job
19 description, duties, or responsibilities include investigating the
20 origin and cause of fires, and who has obtained the skills and
21 knowledge necessary to conduct, coordinate, and complete a fire
22 investigation. Fire investigator does not include a fire
23 investigator who is employed by a law enforcement agency as that
24 term is defined in section 2 of the Michigan commission on law
25 enforcement standards act, 1965 PA 203, MCL 28.602, other than a
26 public safety department, or a professional investigator licensed
27 under the professional investigator licensure act, 1965 PA 285, MCL

1 338.821 to 338.851.

2 (n) "Fire officer" means a current member of an organized fire
3 department or public safety department assigned a rank above
4 firefighter who is responsible for, or is in a capacity that
5 includes responsibility for, performing supervisory or management
6 responsibilities of an emergency or nonemergency nature within his
7 or her organized fire department or public safety department. Fire
8 officer includes titles such as sergeant, lieutenant, captain, and
9 chief officer.

10 (o) "Fire service" means the engaging in the directing or
11 management of emergency response activities, fire safety prevention
12 inspection, plans examination, fire investigation, hazardous
13 material response, technical rescue response, airport rescue
14 response, airport rescue firefighting, fire service instruction,
15 and the enforcement of the general fire laws of this state and the
16 communities therein by fire service members and organized fire
17 departments and public safety departments.

18 (p) "Fire service course" means a training course or activity
19 that is approved by the council and meets the standard for
20 firefighter training in subdivision (i).

21 (q) "Fire service discipline" means each of the respective
22 certifiable fire service positions included under this act. Fire
23 service discipline includes fire chief, fire inspector, fire
24 instructor, fire investigator, fire officer, public safety
25 director, plans examiner, firefighter, hazardous materials
26 responder, technical rescue responder, and airport rescue
27 firefighter.

1 (r) "Fire service member" or "member" means a person described
2 in subdivision (a), (h), (j), (k), (l), (m), (n), (u), ~~(z)~~, (cc),
3 ~~(ee)~~, ~~or~~ **(FF)**, (hh), **OR (KK)**.

4 (s) "Full-time" means employment during which an individual
5 works scheduled shifts, is paid for all hours he or she works, and
6 works sufficient hours weekly to be classified as a full-time
7 employee by the applicable employing political subdivision.

8 (t) "Hazardous materials" means any chemical, substance,
9 compound, mixture, or other material defined as, designated as,
10 listed as, or having the same characteristics as any chemical
11 substance, compound, mixture, or material defined as, designated
12 as, or listed as hazardous under federal or state law or
13 regulations.

14 (u) "Hazardous materials responder" means an employee of or
15 volunteer assigned by a political subdivision to assist an
16 organized fire department or public safety department who is
17 certified under National Fire Protection Association standard no.
18 1072 and who is trained to or whose responsibilities include,
19 responding to and being actively involved with the mitigation of a
20 hazardous materials incident including a weapon of mass destruction
21 event.

22 (v) "Hazardous materials response" means any response to an
23 event involving any chemical, substance, compound, mixture, or
24 other material defined as, designated as, listed as, or having the
25 same characteristics as any substance, compound, mixture, or
26 material defined as, designated as, or listed as hazardous under
27 federal or state law or regulation.

1 (w) "Organized fire department" means that term as defined in
2 section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

3 (x) "Paid on-call" means employment during which an individual
4 works on an on-call basis, is paid for all hours he or she works,
5 and only occasionally works scheduled shifts.

6 (y) "Part-time" means employment during which an individual is
7 paid for all hours he or she works and works scheduled shifts but
8 works fewer hours weekly than the hours necessary to be classified
9 as a full-time employee by the applicable employing political
10 subdivision.

11 **(Z) "PFAS" MEANS A PERFLUOROALKYL OR POLYFLUOROALKYL**
12 **SUBSTANCE. PFAS INCLUDES, BUT IS NOT LIMITED TO, PFOA AND PFOS.**

13 **(AA) "PFOA" MEANS PERFLUOROOCTANOIC ACID (CHEMICAL ABSTRACT**
14 **SERVICE NO. 335-6T-1).**

15 **(BB) "PFOS" MEANS PERFLUOROOCTANE SULFONATE (CHEMICAL ABSTRACT**
16 **SERVICE NO. 1763-23-1).**

17 **(CC) ~~(z)~~**"Plans examiner" means an employee of or volunteer
18 assigned by a political subdivision to assist an organized fire
19 department or public safety department who is certified under
20 National Fire Protection Association standard no. 1031 and whose
21 job description, duties, or responsibilities include conducting
22 plan reviews of construction documents for compliance with the
23 general fire codes of the community that he or she serves.

24 **(DD) ~~(aa)~~**"Political subdivision" means a county,
25 municipality, school district, or any other local governmental
26 unit, agency, body, board, or commission but does not include a
27 state department, board, commission, or agency of state government.

1 **(EE)** ~~(bb)~~—"Public safety department" means a department of a
2 political subdivision providing both law enforcement and fire
3 services either separately or utilizing a combined response force
4 with personnel trained and certified as both firefighters under
5 this act and law enforcement officers under the Michigan commission
6 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
7 28.615, under the direction and administration of a single
8 director.

9 **(FF)** ~~(cc)~~—"Public safety director" means the individual who
10 serves as the administrative head of a public safety department.

11 **(GG)** ~~(dd)~~—"Rule" means a rule promulgated under the
12 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
13 24.328.

14 **(HH)** ~~(ee)~~—"Technical rescue responder" means an employee of or
15 volunteer assigned by a political subdivision to assist an
16 organized fire department or public safety department who is
17 certified under National Fire Protection Association standard no.
18 1006 and who has received training in the application of special
19 knowledge, skills, and equipment to safely resolve unique and
20 complex rescue situations.

21 **(II)** ~~(ff)~~—"Technical rescue response" means those aspects of
22 saving life or property that employ the use of tools and skills
23 that exceed those normally reserved for firefighting, medical
24 emergency, and rescue. These disciplines include, but are not
25 limited to, rope rescue, confined space rescue, trench and
26 excavation rescue, and building collapse rescue.

27 **(JJ)** ~~(gg)~~—"Volunteer" means appointment or employment for

1 which an individual receives no compensation for work provided, or
2 appointment or employment for which an individual receives
3 compensation in the form of reasonable expenses incurred during the
4 course of his or her appointment or employment or other reasonable
5 benefits, including, but not limited to, length of service awards
6 or nominal fees.

7 **(KK)** ~~(hh)~~ "Volunteer firefighter" or "paid on-call
8 firefighter" means an individual who is charged with the prevention
9 or suppression of fires and who is directly engaged in the hazards
10 of firefighting or in charge of a designated fire company or
11 companies that are directly engaged in the hazards of firefighting
12 on a volunteer or paid on-call basis. Volunteer or paid on-call
13 firefighter does not include a full-time firefighter.

14 Sec. 9. (1) The state fire marshal, with the approval of a
15 majority of the council, shall prepare and publish rules that
16 establish minimum standards for certification as a fire service
17 member. The standards established under this section must comply
18 with the Michigan occupational safety and health administration
19 general industry safety standard, R 408.17411 of the Michigan
20 Administrative Code **AND SECTION 9C**. To maintain compliance with the
21 Michigan occupational safety and health administration general
22 industry safety standard, R 408.17411 of the Michigan
23 Administrative Code, the employer of a fire service member shall
24 provide initial and continued training to the member commensurate
25 with and specific to the duties that the member is expected to
26 perform. The training described in this section **AND SECTION 9C** must
27 be provided before the member is permitted to perform emergency

1 operations.

2 (2) The state fire marshal, with the approval of a majority of
3 the council, shall do all of the following:

4 (a) Create advisory standards of physical, criminal history,
5 and educational fitness that govern the recruitment, selection, and
6 certification of a person as a fire service member.

7 (b) Develop and administer certification examinations, testing
8 procedures, and reciprocity recognition for credentialing in the
9 various fire service disciplines recognized under this act. The
10 requirements for each fire service discipline must meet the
11 respective professional qualifications in the current and
12 appropriate National Fire Protection Association standard.

13 (c) Establish subordinate regional training centers in
14 strategic geographic locations in order to serve the greatest
15 number of organized fire departments and public safety departments
16 that are unable to support their own training programs.

17 (d) Develop and administer certification examinations that
18 include a practical demonstration and a written or oral test to
19 determine a person's competency in regard to the knowledge and
20 skill requirements in the current edition of the National Fire
21 Protection Association standards for each of the fire service
22 disciplines recognized under this act. The state fire marshal, or
23 his or her designee, shall, upon request, administer the
24 examination in each county of this state not less than once
25 annually. The examination may be administered in 2 parts. If the
26 examination is administered in 2 parts, part 1 of the examination
27 must test the knowledge and skill requirements set forth in the

1 standards for fire fighter I in the current edition of the
2 standards for Fire Fighter Professional Qualifications, National
3 Fire Protection Association standard no. 1001, and part 2 of the
4 examination must test the knowledge and skill requirements set
5 forth in the standards for fire fighter II in the current edition
6 of the standards for Fire Fighter Professional Qualifications,
7 National Fire Protection Association standard no. 1001. The
8 examination may also be administered as a combined fire fighter I
9 and fire fighter II examination if a combined examination is
10 requested by a county training committee or regional training
11 center.

12 (e) Establish eligibility criteria for students to retake a
13 failed written, oral, or practical certification examination.

14 (3) A person who is hired or appointed as a full-time or part-
15 time firefighter shall pass both part 1 and part 2 of the
16 certification examination described in subsection (2) (d) not more
17 than 12 months after he or she is hired or appointed as a full-time
18 or part-time firefighter to be eligible to continue his or her
19 employment or appointment as a full-time or part-time firefighter.

20 (4) A person who is hired or appointed as a volunteer or paid
21 on-call firefighter shall pass part 1 of the certification
22 examination described in subsection (2) (d) not more than 24 months
23 after he or she is hired or appointed as a volunteer or paid on-
24 call firefighter to be eligible to continue his or her employment
25 or appointment as a volunteer or paid on-call firefighter, as
26 applicable.

27 (5) The certification examination requirement under this

1 section does not apply to a person who was employed or under
2 appointment as a firefighter on or before October 1, 1988, unless
3 the person subsequently seeks to change his or her status from a
4 volunteer or paid on-call firefighter to a part-time or full-time
5 firefighter.

6 (6) The state fire marshal may waive the examination
7 requirements under this section for a veteran who served in and is
8 separated from the armed forces and provides a form DD214, a form
9 DD215, or any other form that is satisfactory to the department of
10 licensing and regulatory affairs that demonstrates that he or she
11 was separated from service with an honorable character of service
12 or under honorable conditions (general) character of service, upon
13 verification that the veteran completed firefighter training that
14 meets the standards for fire fighter I and fire fighter II in the
15 standards for Fire Fighter Professional Qualifications, National
16 Fire Protection Association standard no. 1001, while serving in the
17 Armed Forces of the United States. As used in this subsection,
18 "armed forces" means the Army, Air Force, Navy, Marine Corps, Coast
19 Guard, or other military force designated by Congress as part of
20 the Armed Forces of the United States.

21 (7) Except as otherwise provided in this subsection, the state
22 fire marshal shall waive the examination requirements under this
23 section and extend reciprocity certification to a person from
24 another state who seeks to become employed or volunteer in the fire
25 service in this state if the person was certified in the other
26 state after successfully completing a program that meets or exceeds
27 the National Fire Protection Association standards for the

1 applicable fire service discipline recognized under this act. The
2 state fire marshal shall not waive the certification examination
3 for a person who was certified in another state if either of the
4 following applies:

5 (a) The person's out-of-state certification was revoked by
6 that state or another issuing organization.

7 (b) The person has been convicted of a felony under the laws
8 of this state, another state, or the United States.

9 (8) Certification as a fire service member granted to a person
10 under this act is valid unless or until the council revokes the
11 certification as part of a disciplinary action.

12 (9) The state fire marshal shall issue a certificate to a
13 person who is certified under this act not more than 30 days after
14 the person becomes certified. A certificate issued under this act
15 remains the property of the state fire marshal.

16 (10) The state fire marshal and the council shall review and
17 monitor the state and federal standards relating to live fire
18 training exercises in structures and make recommendations regarding
19 the general industry safety standards for any new or modified
20 standards necessary for the protection of firefighter trainees
21 under part 74 of the Michigan occupational safety and health
22 administration general industry safety standard, R 408.17401 to R
23 408.17464 of the Michigan Administrative Code.

24 **(11) NOT LATER THAN 1 YEAR AFTER OBTAINING A WAIVER OF THE**
25 **EXAMINATION REQUIREMENTS UNDER SUBSECTION (6) OR (7), THE VETERAN**
26 **OR PERSON CERTIFIED IN ANOTHER STATE MUST COMPLETE THE TRAINING**
27 **REQUIRED UNDER SECTION 9C.**

1 SEC. 9C. (1) FIREFIGHTING FOAM CONTAINING PFAS WITH A CARBON
2 CHAIN OF 6 OR MORE MUST NOT BE USED IN ANY FIREFIGHTER TRAINING
3 REQUIRED UNDER THIS ACT.

4 (2) FIREFIGHTER TRAINING REQUIRED UNDER THIS ACT MUST INCLUDE
5 BOTH OF THE FOLLOWING SUBJECTS REGARDING PFAS WITH A CARBON CHAIN
6 OF 6 OR MORE:

7 (A) THE PROPER USE AND STORAGE OF FIREFIGHTING FOAM CONTAINING
8 THE PFAS.

9 (B) THE BEST ENVIRONMENTAL AND PUBLIC HEALTH PRACTICES
10 FOLLOWING THE USE, INCLUDING, BUT NOT LIMITED TO, CONTAINMENT AND
11 PROPER DISPOSAL, OF FIREFIGHTING FOAM AND WATER CONTAINING THE
12 PFAS.