

DELAWARE STATE FIRE PREVENTION COMMISSION

Statutory Authority: 16 Delaware Code, Section 6604(1) (16 Del.C. §6604(1))
1 DE Admin. Code 709

FINAL

ORDER

709 Fire Service Standards

Pursuant to 16 Del. C. § 6604(1), the Delaware State Fire Prevention Commission proposed to revise Regulation 709 Fire Service Standards (the "Regulations"). The proposed changes to the Regulations included modifying the process of addressing complaints and grievances, detailing conduct that can be considered official misconduct of firefighters and fire companies, adding a process for conducting investigations of firefighter injuries, adding minimum training requirements for firefighters, incorporating and adopting additional National Fire Prevention Association standards, and making other non-substantive changes.

The proposed amendments to the Regulations were published in the Delaware Register of Regulations on February 1, 2023. A written comment period was held open through March 10, 2023. The Commission received written comments from the following individuals and fire companies: (1) Christiana Fire Company; (2) Rehoboth Fire Company (including a separate one-page letter from Warren F. Jones, Vice President and PIO of the Rehoboth Beach Fire Company); (3) the Volunteer Hose Company, Inc.; (4) Roxana Volunteer Fire Company; (5) Claymont Fire Department; (6) Milton Fire Dept., Inc.; and (7) Frankford Volunteer Fire Co. (the "Written Comments").

On March 14, 2023, a duly-appointed Committee of Commissioners and representation from the Delaware Volunteer Firefighters Association, met, considered and discussed the Written Comments. Following the meeting, which was publicly noticed, the Committee decided not to recommend any further substantive changes to the Regulations and the proposed amendments, other than to delete Sections 1.4 and 1.5 of Chapter 7, pertaining to minimum training for Crew Leader, Fire Officer 1 and Fire Officer 2.

At the Commission's regularly-scheduled monthly meeting on March 21, 2023, the Commission considered the Committee's recommendation and discussed certain Written Comments further. The Commission also opened the meeting up for public comment on the proposed amendments to the Regulations. Warren Jones provided comment relating to the proposed training standards that are being removed. There were no other public comments or opposition to the proposed amendments.

Summary of the findings of fact

Pursuant to discussions held during the Committee meeting on March 14, 2023, and during the Commission's meeting on March 21, 2023, the Commission voted to approve the amendments to the Regulations as they were proposed with the exception that proposed Sections 1.4 and 1.5 of Chapter 7 shall be deleted, as recommended by the Committee.

Decision of the Commission

Other than technical, non-substantive changes noted during the hearing and with the deletion of Sections 1.4 and 1.5 of Chapter 7, the Commission adopts the proposed amendments to Regulations as set forth above as final, with the deletions and other non-substantive changes set forth in this Order. The final proposed amendments are reflected in Exhibit A.

THESE AMENDMENTS SHALL GO EFFECTIVE May 11, 2023.

IT IS SO ORDERED, this 21st day of March 2023, by the Commission:

/s/ Ronald H. Marvel, Chairman

/s/ William C. Kelly, Vice Chairman

/s/ Lynn Truitt

/s/ Richard T. Perillo

/s/ Joseph J. Leonetti, Sr.

/s/ Alan Robinson, Jr.

/s/ Daniel Carrier

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

709 Fire Service Standards

Chapter 1 Responsibilities of the State Fire Prevention Commission

~~Relative to Commission and Office of State Fire Marshal (16 Delaware Code §§6612-6616).~~

1.0 The Relative to the Commission and the Office of State Fire Marshal, the Commission shall:

- 1.1 Select a Chairman and Vice Chairman from among its members.
- 1.2 Hold regular meetings once per month.
- 1.3 Hold special meetings when called by the Chairman, Vice-Chairman, in the absence of the Chairman, or by three members of the Committee.
- 1.4 Have the power to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion.
- 1.5 Hold a public hearing on each regulation, amendments, or repealer.
- 1.6 Have the power to summon witnesses and administer oaths.
- 1.7 Appoint the State Fire Marshal for a term of 4 years.
- 1.8 Set the salary of the State Fire Marshal.
- 1.9 Fill an unexpired term when a vacancy exists in the position of State Fire Marshal.
- 1.10 Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the State Fire Marshal, based on the enforcement of the State Fire Code.
- 1.11 Hear and decide requests for special exceptions or interpretations of any regulation upon appeal.
- 1.12 Be allowed to authorize a variance to regulations.
- 1.13 File in the Office of State Fire Marshal all decisions, authorizations or interpretations made under ~~(10), (11), and (12) above~~ subsections 1.10, 1.11, and 1.12 of Chapter 1 of this regulation, in writing and signed by the Chairman, within 20 days following the appeal.
- 1.14 Be empowered, along with the State Fire Marshal and the Attorney General, to institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove unlawful erection, construction, reconstruction, alteration, or use of a building, structure, or equipment in violation of the State Fire Codes.
- 1.15 Annually, transmit to the Governor a full report of its proceedings including a financial statement covering the preceding fiscal year.

2.0 Relative to Delaware State Fire School (~~16 Delaware Code §§6617-6625~~), (16 Delaware Code §§6617-6625), the Commission shall:

~~The Commission shall:~~

- 2.1 Have complete jurisdiction over, and complete management and control of the Delaware State Fire School.
- 2.2 Have full power and authority:
 - 2.2.1 To make all rules and regulations necessary for the governing of said institution;
 - 2.2.2 To appoint a Director and such Instructors, experimental helpers, secretaries and laborers as may be necessary, and to remove the same at their judgment and discretion;
 - 2.2.3 To fix compensations and provide for payment thereof;
 - 2.2.4 To have full management, possession and control of the lands, buildings, structures and property belonging thereto;
 - 2.2.5 To provide for the courses of study and curriculum of the institution;
 - 2.2.6 To make rules and regulations for the admission of trainees to said institution;
 - 2.2.7 To visit and inspect said institution and every department thereof, and to provide for the proper keeping of accounts and records thereof;
 - 2.2.8 To make and prepare all necessary budgets of expenditures for the enlargement, proper furnishings, maintenance, support and conduct of said institution;
 - 2.2.9 To select and purchase all property, furniture, fixtures and paraphernalia necessary for said institution from time to time;
 - 2.2.10 To build, construct, change, enlarge, repair and maintain any and all buildings or structures of said institution that may at any time be necessary for said institution;

- 2.2.11 To purchase and acquire all lands and property necessary for same, of every nature and description whatsoever;
- 2.2.12 To care for and maintain the same and to do and perform every other matter or thing requisite to the proper management, maintenance, support and control of said institution.
- 2.3 Have authority to acquire real or personal property by purchase, gift or donation and have water rights; make contracts; and undertake by contract or by its agent and employees, and otherwise than by contract, and project and operate and maintain such projects.
- 2.4 Be empowered to accept grants of money or materials or property of any kind upon such terms or conditions as the grantor may impose.
- 2.5 Perform all acts and do all things necessary or convenient to carry out the powers granted above.
- 2.6 Be empowered to fix and collect admission fees and other fees that it may deem necessary to be charged for training given.
- 2.7 Employ a Director for the State Fire School and shall employ, on the recommendation of the Director, such other Instructors, helpers, secretaries, and laborers as may be necessary.
- 2.8 Have the power to prescribe and make the necessary rules and regulations for the use of the buildings, equipment and other facilities when they are not in use for the purpose set forth.
- 2.9 ~~Consult the Advisory Board on any Fire School matters whether administrative or technical and receive recommendations thereon.~~

25 DE Reg. 1113 (06/01/22)

3.0 Relative to authorization of new fire companies, ~~resolution of boundary and other disputes,~~ and cessation of necessary fire protection services (~~16 Delaware Code §6607~~). services, the

The Commission shall:

- 3.1 Be empowered to promulgate, amend, and repeal regulations related to the exercise of Commission powers and responsibilities defined below.
- 3.2 With the exception of cities with a population greater than 50,000.
 - 3.2.1 Determine whether new fire companies or substations shall be authorized;
 - 3.2.2 Have authority to prohibit the suspension of fire protection services.
- 3.3 Have authority to confirm the established geographical boundaries of areas served by all existing fire companies and to resolve boundary disputes.
- 3.4 Have authority to enter binding orders resolving disputes or grievances within or between fire companies.
- 3.5 Within its discretion[,] bring an action in the Court of Chancery to temporarily restrain or enjoin any act or practice which constitutes a violation of an order of the Commission.

25 DE Reg. 1113 (06/01/22)

4.0 With respect to reports from insurance ~~companies-~~ companies, the Commission shall:

The Commission shall:

- 4.1 Accept reports on fire losses from insurance companies on forms provided by the Commission.
- 4.2 Within its discretion, provide, with the approval of the Attorney General's Office, a written report to a person of the result of investigation of fire or explosion.

Chapter 2 Introduction Complaints and Grievances and Fire Investigations

1.0 Purpose

This regulation establishes the procedures for the State Fire Prevention Commission's exercise of its powers under 16 Del.C. Ch. 66. This regulation sets forth the manner in which the Commission shall review questions pertaining to the delivery of adequate fire protection services in this State, including, but not limited to, questions concerning the authorization of new fire companies and substations, the cessation of fire protection services by a fire company or substation and the resolution of boundary and other disputes between fire companies. The Commission expressly reserves the right to dismiss any grievance or complaint on its own motion if it deems such grievance or complaint to be insubstantial.

2.0 Definitions

"County Firemen's Association (C.F.A.)"

New Castle County Volunteer Firemen's Association

Kent County Volunteer Firemen's Association

Sussex County Volunteer Firemen's Association

~~"Delaware Volunteer Firemen's Association (D.V.F.A.)"~~

~~"ot seq."~~ (other)

~~"Findings-Results"~~ This term shall refer to the results of the CFA or the DVFA evaluation of the grievance. Findings shall be in brief written form supplied to the grieving parties and the Commission, and if the Grievance was;

A. Settled

B. Not Settled

~~"Fire Company"~~ means an organization organized and equipped to provide fire suppression, and Authorized by the State Fire Prevention Commission.

~~"Fire Company Member"~~ This term shall refer to any individual maintained on the membership rolls of a fire company in this State and any individual whose membership is terminated for any reason from such a company less than 60 days before the filing of a Grievance under Section 4.1 of this Regulation.

~~"Substation"~~ means a fire station operated and controlled by a fire company at a location remote from its main station and Authorized by the State Fire Prevention Commission.

2.0 Complaints and Grievances

- 2.1 The following procedure shall be followed for the investigation of complaints regarding a fire company or concerning claims of official misconduct by firefighters and fire companies.
- 2.2 Complaints must be in writing and filed with the Commission. The Commission will assign an investigator to investigate the complaint. The Commission may designate a Commissioner as an investigator, in which case the Commissioner shall not participate in any Commission hearing or decision regarding the complaint.
- 2.3 The Complaint shall state the name of the fire company or firefighter and provide sufficient facts demonstrating the basis for the complaint. The assigned investigator may dismiss a complaint sua sponte that fails to state sufficient facts or otherwise demonstrates a reasonable basis for the complaint.
- 2.4 The Commission shall assign a complaint number to each complaint and maintain a log of all complaints filed with the Commission. A record of each complaint shall be maintained for a period of not less than five years.
- 2.5 The Commission shall send a copy of the complaint to the respondent at the address of record maintained in the Commission's files. The Commission's investigators may withhold the name of the complainant if it is determined that providing the complainant's name may jeopardize their safety.
- 2.6 The Respondent shall file a response with the Commission within 20 calendar days of receipt of the complaint.
- 2.7 At the conclusion of the investigation, the investigator shall issue a final report detailing the evidence obtained and making conclusions on whether any applicable law or regulation was violated and making any recommendations for further action that the investigator deems reasonable.
- 2.8 If the investigation substantiates any violations or makes any recommendations for further action, the Commission shall schedule a hearing. Such hearing shall be subject to the provisions set forth in 29 Del.C. §§10121-10129 governing case decisions.
- 2.9 At the conclusion of such hearing, the Commission may order such relief as may be deemed necessary and appropriate and to further public health, safety and welfare, including, but not limited to, recommendations on training or other remedial action to be taken by the affected fire company or firefighter.
- 2.10 "Official misconduct," as it pertains to firefighters, includes:
 - 2.10.1 Gross negligence in the line of duty or a demonstrated pattern of negligence;
 - 2.10.2 Dishonorable, unethical or other conduct likely to deceive, defraud or harm the public;
 - 2.10.3 Convictions of an offense specified in 16 Del.C. §6712(b);
 - 2.10.4 The use, distribution, or issuance of a dangerous or narcotic drug, other than for therapeutic or diagnostic purposes;
 - 2.10.5 The abuse, misuse, or diversion of illicit or illegal drugs, controlled substances or prescription drugs or alcohol;
 - 2.10.6 Failing, or not complying with, drug testing;
 - 2.10.7 Failing to cooperate with the Commission in the course of its investigation of complaints; and
 - 2.10.8 Continuing to perform as a firefighter after being determined not fit for duty after an evaluation by a licensed medical professional.
- 2.11 "Official misconduct," as it pertains to fire companies, includes:

- 2.11.1 Gross negligence in the line of duty or a demonstrated pattern of negligence;
- 2.11.2 Demonstrated pattern of failing to adequately supervise firefighters and others working for the fire company;
- 2.11.3 Unauthorized dissemination of protected health care information concerning the fire companies' patients, including but not limited to, information contained in Patient Care Reports;
- 2.11.4 Dishonorable, unethical or other conduct likely to deceive, defraud or harm the public;
- 2.11.5 Failing to cooperate with the Commission in the course of its investigation of complaints; and
- 2.11.6 Failing to cooperate with the Commission in producing required reports or documents.
- 2.12 Fire companies receiving complaints regarding a fire company or concerning claims of official misconduct by firefighters must give notice to the Commission within ten days. The Commission investigator will then determine whether the complaint should be investigated by the Commission or whether the complaint is better addressed by the fire company without further Commission involvement.
- 2.13 The Commission may suspend any investigation or proceedings initiated pursuant to this regulation if it is determined that there is a related criminal investigation or proceeding until such time as that investigation or proceeding is concluded.
- 2.14 Unless the Commission deems immediate action necessary for serious life-safety issues or to otherwise protect the public, complaints will be forwarded to the affected fire company to provide for potential internal resolution of the complaint without further involvement of the Commission.
 - 2.14.1 Fire companies shall have 30 days to internally investigate and resolve the complaint.
 - 2.14.2. The Commission or its investigators may grant reasonable requests for additional time to complete their investigation.
 - 2.14.3 At the conclusion of an internal investigation, the fire company shall forward a copy of its entire investigatory file and a record of any conclusions reached or disciplinary action taken to the Commission. The Commission shall retain such records in accordance with applicable record retention guidelines and procedures.
 - 2.14.4 If the internal investigation and resolution is deemed unsatisfactory, the Commission shall conduct its own investigation in accordance with these procedures.
 - 2.14.5 While an internal investigation is ongoing, the procedure requiring the Commission to notify the respondent and requiring a response within 20 calendar days shall be suspended.
- 2.15 The Commission may request and obtain the assistance of state agencies and other third parties in connection with performing investigations.
- 2.16 Firefighters are to report within 10 days any arrests in state or out of state to the fire chief or fire company president.
- 2.17 The Commission shall have an established form for the reporting of complaints or grievances.

3.0 Public Complaints

- ~~3.1 Any individual, group, organization, association, corporation, government agency or other governmental unit (hereinafter referred to as complainant) having a dispute or complaint, must present such complaint or dispute in writing to the company's President, Chief, or Board of Directors. A copy of this complaint shall be forwarded to the commission within 10 days.~~
- ~~3.2 If the matter cannot be resolved on the company level within 60 days after such presentation, then the complainant may request that the Commission review the matter by submitting the complaint to the Commission setting forth in writing, on a form that may be secured from the Commission, the facts requiring the Commission's review.~~
- ~~3.3 If the Commission determines that the review of the complaint is warranted, then the Chairman shall set the matter for an informal fact finding or public hearing within 45 days from the date of the complaint's receipt. All such hearings shall conform insofar as is practicable to the methods and procedures set forth in Subchapter III of the Administrative Procedures Act, 29 D.I.C. Ch. 101. In any event, the Commission shall enter a decision or final order within 60 days from the conclusion of such hearing.~~
- ~~3.4 No member, or past member of a fire company may file a complaint under this Section concerning facts or circumstances which occurred during the period of his membership with a fire company and was related to the activities of such company. Members of fire companies are to seek the resolution of fire protection and ambulance disputes through the procedures established in section 4.0.~~
- ~~3.5 The Commission may, after 3.2, appoint from its members, a Commissioner to assist parties in arbitrating a grievance. All parties must request and agree to this step in writing. This is an option of the parties concerned. If agreements cannot be made, the process continues.~~

3.5.1 General Guidelines-

- 3.5.1.1 This process will be with parties concerned only the President, Secretary or Chief and the grieving party may attend.
- 3.5.1.2 It will be informal, at a State Office Building.
- 3.5.1.3 No record will be made, no notes, no tape recordings.
- 3.5.1.4 Legal Counsel will not be permitted.
- 3.5.1.5 If the problem in question is solved, a signed release withdrawing the grievance will complete this process.

3.0 Firefighter Injuries

- 3.1 The Commission shall investigate injuries sustained by firefighters in the line of duty, including but not limited to injuries sustained in emergency scene activities, trainings and near misses or "Mayday" incidents. The Commission shall have subpoena power for their investigations.
- 3.2 At the conclusion of an investigation, the Commission shall issue a report of findings and conclusions. The reports are meant to determine the root cause of an injury and to establish training or other practices that may be needed to prevent future similar injuries and to otherwise assist with firefighter safety.
- 3.3 The scope of investigations shall include determining:
 - 3.3.1 The root cause of an injury or near miss;
 - 3.3.2 If current training or standards were used by firefighters;
 - 3.3.3 If proper protective gear was utilized;
 - 3.3.4 If proper command structure was utilized; and
 - 3.3.5 Whether there was a command-and-control function.
- 3.4 The Commission's designee shall have the authority to enter any premises or fire scene under the control of a fire officer, or any firefighter acting in the capacity of a fire officer, where a fire-fighter injury has occurred for the purpose of investigating the cause of the injury.

4.0 Procedures Involving a Grievance Between:

- 4.1 ~~A fire company member and/or members which impacts public safety.~~

NOTE: For the purpose of this regulation, Ladies Auxiliaries, whether incorporated as part of a fire company or not, shall be considered fire company members and fall under this section of the regulation.

- 4.2 ~~Two fire companies concerning an issue under the authority of the Fire Commission.~~
- 4.3 ~~Two or more fire companies concerning boundary disputes.~~
 - 4.3.1 ~~Upon receipt of a grievance involving any of the grievances listed in Section 4.0, the following procedure shall be followed;~~
 - 4.3.2 ~~At its regularly scheduled meeting, the Commission shall review the grievance for the purpose of determining its merits. Grievances may be dismissed at this time by the Commission on its own motion if the Commission determines that the grievance lacks substance, merit or compliance with Section 4.0.~~
 - 4.3.3 ~~Acceptance of the grievance by the Commission will result in the following actions;~~
 - 4.3.3.1 ~~Copies of the grievance immediately sent to all parties involved accompanied by a letter from the Commission requesting immediate attention and attempts to resolve. Within 60 days receipt of letter, the following is required from each party;~~
 - 4.3.3.1.1 ~~A letter signed by the grievant or both the President and Chief of the grievant fire company AND both the President and Chief of the fire company involved, identifying that the grievance has been resolved.~~

~~OR~~

~~A letter identifying each party's position on the grievance along with either; (1) their acceptance of mediation as identified within 4.3.4.1 through 4.3.4.4 or (2) their desire to skip this section, immediately moving to subsection 4.3.5.~~

NOTE: ~~Considering the time and resources which stand to be spent in mediation, the intent of this subsection is to require "Up Front" acknowledgment and acceptance of the mediation process by both parties.~~

- 4.3.3.2 Commission's letter will also clearly identify the potential consequences involved as a result of the grievance, specifically emphasizing the responsibilities and potential consequences to those presenting the grievance.
- 4.3.3.3 Commission shall take whatever actions may be practical during this 60 day time period for the purpose of fact finding or investigating the grievance in order to further substantiate validity.
- 4.3.4 A four member mediation team consisting of two from the originating county and one from each other county shall be immediately assigned from the Delaware Volunteer Firemen's Association (DVFA) mediation group. Within 60 days of assignment, this team shall be responsible for meeting with all parties for the purpose of mediating a settlement to the grievance. The following procedures shall apply to meetings of all parties;
 - 4.3.4.1 All proceedings are to be informal with representation limited to a maximum of three individuals, not including witnesses, representing the grievant and three fire company members.
 - 4.3.4.2 No legal representation is to be present.
 - 4.3.4.3 Notes are permissible and may be referenced to form future opinions. Summaries of each mediation meeting including facts provided and major points presented shall be required to be submitted to the Commission at the conclusion of the mediation process if mediation efforts are unsuccessful.
 - 4.3.4.4 Proceedings shall be documented as to the date, time, those in attendance and the facts as presented to the mediation team.

NOTE: As identified in Section 4.3.3, failure by any party to agree to all elements of this mediation process shall result in by-passing Section 4.3.4 and moving directly to 4.3.5.

There are three possible outcomes from the above mediation process;

- 4.3.4.4.1 Mediation efforts are successful which requires a single written document identifying all facts of the agreement and signed by the grievant or both the President and Chief of the grievant fire company AND both the President and Chief of the fire company involved.
- 4.3.4.4.2 Mediation efforts are unsuccessful with the recommendations provided to the Commission by the mediation team based on the facts identified during hearing(s).
- 4.3.4.4.3 Mediation efforts are unsuccessful with no recommendations provided by the mediation team.
- 4.3.5 If the grievance cannot be resolved through the mediation process outlined in Section 4.3.4, the Commission shall schedule, at its next available regularly scheduled meeting, a review of the grievance through either:
 - 4.3.5.1 An informal fact-finding hearing in which the facts developed in the course of applying Sections 4.3.3 and 4.3.4 are considered

OR

 - 4.3.5.2 A formal hearing at which time previously developed facts as well as direct testimony and evidence will be considered.

4.4 Extensions

- 4.4.1 The Commission may grant extensions of time to the mediation team from the time limits established in Sections 4.3.3 and 4.3.4 if the circumstances warrant no prejudice results to the parties involved.

4.5 Waivers

- 4.5.1 The Commission may waive the procedures set forth in Sections 4.0 whenever it determines that public safety or the good of the fire service is in jeopardy. Whenever such a determination is made, the Commission shall issue a written statement identifying the reasons for its action. Once this action has been taken, the Commission shall take whatever actions it deems necessary, consistent with its statutory authority.

5.0 Arbitration Team and Policy

- 5.1 An arbitration team shall be appointed by the evaluating Association and such team shall consist of three or more members.
- 5.2 All proceedings conducted by the arbitration team shall be documented with regard to date, time, and those in attendance.

- 5.3 ~~All information obtained will be restricted to the Arbitration Team until such meetings have been concluded. The findings shall be forwarded to the Grievor parties and the State Fire Prevention Commission.~~
- 5.4 ~~If assistance is needed by the County Association or the State Association, the State Fire Prevention Commission may be contacted through the Commission Chairman to act upon the request.~~
- 5.5 ~~At no time shall any Commissioner interfere with any arbitration.~~

6.0 Grievance Form

~~See Attachment.~~

Chapter 3 Minimum Requirements for the Establishment of New Fire Companies

1.0 General Requirements

- 1.1 Any person or persons, group or organization desiring to establish a new fire company within the State of Delaware shall immediately advise the Commission of their intent by letter.
- 1.2 The Commission shall, upon receipt of the notification, send a copy of these Regulations to the person or persons, group or organization and shall advise them of a date to appear before the Commission.
 - 1.2.1 The Commission will notify existing fire companies serving an area when a petition is filed for a new fire department in that area.
- 1.3 All sections of these Regulations shall be complied with before final approval will be given.
- 1.4 Existing fire companies serving the proposed district shall continue to serve the district until the new company receives probational approval.
- 1.5 It is necessary for the person or persons, group or organization, or municipalities desiring to form a new fire company to follow certain steps in complying with these Regulations. The steps to be followed are:
 - 1.5.1 Compliance with Section 2.0 of Chapter 3 of this regulation - Location of fire department and district to be served.
 - 1.5.1.1 Upon compliance with subsection 1.5.1, the Commission will establish the need for a fire company in the area; and
 - 1.5.1.2 The Commission may authorize the person or persons, group or organization, or municipalities the right to proceed to subsection 1.5.2.
 - 1.5.2 Compliance with Sections 3.0, 4.0, and 5.0 of Chapter 3 of this regulation - Constitution, bylaws, members, financial backing and responsibility.
 - 1.5.2.1 Upon compliance with subsection 1.5.2 the Commission will grant approval of an administrative organization; and
 - 1.5.2.2 The Commission will authorize the organization the right to proceed to subsection 1.5.3.
 - 1.5.3 Compliance with Sections 6.0, 7.0, 8.0, 9.0, and 10.0 of Chapter 3 of this regulation - Training, fire station construction, submittal of plans, communications, alarm receiving, alerting equipment, and equipment.
 - 1.5.3.1 Upon compliance with subsection 1.5.3, the Commission will authorize a one-year probational approval for the fire company; and
 - 1.5.3.2 The Commission will determine that a fire company has been established to serve the area outlined in Section 2.0 of Chapter 3 of this regulation.

~~Upon compliance with 1.5.1 the Commission will establish the need for a fire company in the area and may authorize the person or persons, group or organization, or municipalities the right to proceed to step 1.5.2.~~

~~Upon compliance with 1.5.2 the Commission will grant approval of an administrative organization and will authorize the organization the right to proceed to step 1.5.3.~~

~~Upon compliance with step 1.5.3 the Commission will authorize a one-year probational approval for the fire company and will determine that a fire company has been established to serve the area outlined in Section 2.0.~~
- 1.6 At the end of the one-year probational period, the fire company will be judged on its performance, financial ability, members, training, and equipment. If all is judged to be satisfactory, the Commission will authorize the fire company to be placed on permanent status. ~~The Commission Advisory Board may advise and make recommendations at any time during this process.~~

2.0 Location of Fire Department and District to be served

- 2.1 The Commission shall not authorize the establishment of a new fire company within four miles of any existing fire company or companies unless the Commission determines that an existing fire company is not reasonably equipped, manned, organized, financed, disciplined to deliver, or is not actually delivering adequate fire protection in accordance with recognized safety standards to the area it serves. ~~Title 16, Chapter 66, Section 6619.~~
- 2.2 The Commission shall determine whether any new fire companies shall be authorized in any part of the state. In making such determination the Commission shall consider among things the ability, financial, or otherwise of the company seeking authorization to maintain an effective fire company and fire protection needs of the area involved. ~~Title 16, Chapter 66, Section 6619.~~
- 2.3 The location of fire stations shall be selected, taking into account the location of high life hazards, concentrations of values, topographical conditions, bridges, man-made barriers such as railways or limited access highways, traffic congestion, the number and extent of runs, and the availability of department members.
- 2.4 A certified plot plan showing the proposed location of the station shall be submitted to the Commission for approval.
- 2.5 A map and narrative description showing the proposed district to be served shall be submitted to the Commission for approval.
- 2.6 Written agreements with all existing, bordering fire companies shall be submitted to the Commission. Such agreements shall outline the areas served by the existing fire companies that will be allocated to the proposed fire company. The agreement shall be signed by the President, Secretary, and Chief of the existing companies in the presence of a notary public. His seal shall be affixed to the agreement.

3.0 Constitution and Bylaws

- 3.1 A proposed constitution and bylaws shall be submitted to the Commission for approval.
- 3.2 The constitution and bylaws shall include, but not be limited to the following:
 - 3.2.1 ~~name~~ Name of the fire company;
 - 3.2.2 ~~address~~ Address;
 - 3.2.3 ~~incorporation~~ Incorporation by the State of Delaware;
 - 3.2.4 ~~membership~~ Membership requirements;
 - 3.2.5 ~~list~~ List of charter members (name, address, & social security number);
 - 3.2.6 ~~officers~~ Officers (to include President, Vice President, Secretary, Treasurer, Directors, Chief, 1st and 2nd Assistant Chiefs, and Fire Recorder);
 - 3.2.7 ~~duties~~ Duties of Officers;
 - 3.2.8 ~~meetings~~ Meetings;
 - 3.2.9 ~~house~~ House rules;
 - 3.2.10 ~~elections~~ Elections;
 - 3.2.11 ~~dues~~ Dues;
 - 3.2.12 ~~order~~ Order of business.

4.0 Members

- 4.1 There shall be at least ~~twenty-five~~ 25 active ~~fire fighting~~ fire-fighting members.
- 4.2 ~~The members mentioned above must live in the district served by the company for at least one year immediately preceding the application.~~

5.0 Financial backing and responsibility

- 5.1 The proposed fire company shall submit to the Commission bank statements, financial reports, notarized letters of financial backing, and any other information required to establish whether the company has the financial means and backing to acquire property, buildings, training, and equipment to provide adequate fire protection in accordance with recognized safety standards to the area it serves and maintain an effective fire company for the fire protection needs of the area involved.
- 5.2 An annual financial statement and reports of training shall be submitted to the Commission no later than ~~three~~ (3) 3 months after the close of the fire company's first fiscal year ~~and the following two consecutive years.~~
- 5.3 Annual Inventory reports shall be submitted in a manner prescribed by the Commission.

6.0 Training

- 6.1 ~~Twenty-five~~ At least 25 members mentioned in ~~Section 4.0~~ of each company shall have completed Basic Firefighting ~~Skills and Skills~~, Structural Firefighting Skills, Hazardous Materials Response Skills, and Vehicle Rescue Skills, as provided by the Delaware State Fire School, ~~(or or equivalent approved by the Commission)~~ Commission prior to certification. This training is not required for fire companies that provide EMS services only.
- 6.2 The Chief shall have completed the Incident Management level of training as provided by the Delaware State Fire School, ~~(or or equivalent approved by the Commission)~~ Commission prior to certification.
- 6.3 At least four members, in addition to completing the forty-eight hours ~~mentioned above (Subsection 6.1)~~ required by subsection 6.1 shall have completed twenty-four hours of Pump School as provided by the Delaware State Fire School prior to certification ~~(or or equivalent approved by the Commission)~~ Commission.
- 6.4 All active members shall receive at least twenty-four hours of approved additional training the first two years by attending the Delaware State Fire School or in-service training at the station. ~~(Delaware State Fire School/In-Service)~~
- 6.5 All operators of Fire Apparatus shall have an Emergency Vehicle License, and Commercial or, Non Commercial Drivers License, as required by the State of Delaware.

7.0 Fire station construction and submittal of plans

- 7.1 The fire station shall be of adequate size to provide space for at least ~~three (3)~~ 3 pieces of apparatus. At least two pieces of apparatus shall have direct access to the street so it will not be necessary to remove one vehicle to permit a second vehicle to respond.
- 7.2 The fire station shall be fully sprinklered and of fire resistive or non-combustible construction in accordance with any and all building codes and zoning requirements within the local jurisdiction.
- 7.3 The station shall be equipped with an emergency power supply as approved by the Commission.
- 7.4 Preliminary and final plans, specifications, etc., shall be submitted to the Commission for approval before work is started.
- 7.5 A pre-existing building may be approved, providing it meets the standards and requirements set forth in this Section. Preliminary and final plans must still be submitted and approved by the Commission.

8.0 Communications

- 8.1 The Fire Department shall maintain a base radio station that is compatible with existing ~~County Dispatch Center~~ Public Safety Answering Point.
- 8.2 Each piece of apparatus shall be equipped with a mobile radio which is compatible with the existing ~~County Dispatch Center~~ Public Safety Answering Point.
- 8.3 A copy of the Federal Communication Commission license shall be sent to the Commission.

9.0 Alarm receiving and alerting equipment

- 9.1 The fire emergency phone shall be on a private phone line direct to the ~~County~~ county call board/dispatching center.
- 9.2 Fire alerting equipment shall be sirens, and or tone activated radio receiving equipment.
- 9.3 Fire alerting equipment shall be tested according to county policy.

10.0 Equipment

- 10.1 ~~Personal protection~~ protection.
- ~~10.1.4~~ There shall be a minimum of ~~twenty-five~~ 25 sets of running gear. Running gear shall include, ~~but not be limited to,~~ the following approved items: helmets, bunker coat, bunker pants, boots, gloves, and eye protection. ~~NFPA No. 1971, 1972, 1973 and 1974 in compliance with the Appendix of these Regulations.~~
- 10.2 Fire apparatus
- 10.2.1 Two pieces of pumping apparatus purchased shall conform to the provisions outlined in appropriate Chapters of NFPA ~~No.~~ 1901.
- 10.2.2 One piece of pumping apparatus, less than two years old from date of most recent **[Manufactures Manufacturer's]** Certification of Hydrostatic Test, shall be provided. The apparatus shall conform to ~~Sections subsections 10.2 — 10.6 of these regulations~~ Chapter 3 of this regulation. The second piece shall be certified as per subsection 10.3.3 of Chapter 3 of this regulation in the last 10 years.
- 10.3 Pump

- 10.3.1 The pump shall be capable of delivering a minimum of 750 GPM at 150 PSI net pump pressure. Reference in the appropriate Chapter of NFPA No. 1901.
 - 10.3.2 The pump shall conform to the provisions in the appropriate of Chapter of NFPA No. 1901, in regards to design and performance requirements, construction requirements, operating controls and devices, and acceptance requirements.
 - 10.3.3 Pump Certification, as referenced in subsection 10.2.2 shall consist of either: copies of the manufacturer's run-in certification, pump manufacturer's certification of hydrostatic test, or by a third party approved by the Commission.
- 10.4 Water carrying capacity
- 10.4.1 If the area to be served by the Company has an approved municipal or private water system throughout the district, at least one apparatus shall be capable of carrying 500 gallons of water.
 - 10.4.2 If the area to be served is rural, with no water system, at least one apparatus shall be capable of carrying 1,000 gallons of water.
 - 10.4.3 ~~Water tanks shall conform to the provisions the appropriate section of NFPA No. 1901, in regards to tank construction and tank connections.~~
- 10.5 ~~Hose compartments~~
- 10.5.1 ~~Hose compartments shall be provided to carry not less than 55 Cubic Feet of 2 1/2 inch double jacket, rubber lined hose and 400 feet of 1 1/2 inch double jacket, rubber lined hose (equal or better).~~
 - 10.5.2 ~~Provisions shall be made so that at least two 1 1/2 inch line are pre-connected with at least 200 feet minimum (equal or better).~~
 - 10.5.3 ~~Hose compartments shall conform to NFPA No. 1901 (equal or better).~~
- 10.6 Equipment to be carried on combination of apparatus
- 10.6.1
- 10.6.1.1 ~~1- 14 ft. ladder with folding hooks on each apparatus.~~
 - 10.6.1.2 ~~2- fire department ladders. One to extend 24 ft. on one apparatus and one folding 10 ft. on the other apparatus.~~
 - 10.6.1.3 ~~2- axes, 1 pick head and 1 flat head type on each apparatus.~~
 - 10.6.1.4 ~~2- Portable hand lights.~~
 - 10.6.1.5 ~~2- approved portable fire extinguisher Ref. appropriate section of NFPA No. 1901, on each apparatus.~~
 - 10.6.1.6 ~~2- pike poles or plaster hook, 6 ft. and 8 ft. minimum on each apparatus.~~
 - 10.6.1.7 ~~1- swivel connection with suction hose thread on end and local large hydrant thread on the other end on each apparatus. (If no hydrants in the district, threads shall conform to nearest hydrants).~~
 - 10.6.1.8 ~~1- swivel connection with pump suction thread on one end and local 2 1/2 inch on the other end on each apparatus.~~
 - 10.6.1.9 ~~1- metal strainer of adequate capacity for suction hose on each apparatus.~~
 - 10.6.1.10 ~~15 feet minimum of hard or soft (determined by company) suction hose, 30 ft. in rural areas on each piece of apparatus.~~
 - 10.6.1.11 ~~1200 ft. of 2 1/2 inch or larger supply line capable of 600 PSI with national standard or accepted couplings or hose meeting NFPA standards, NFPA 1961, on each apparatus.~~
 - 10.6.1.12 ~~400 ft. of 1 1/2, 1 3/4, or 2 inch or larger hand line capable of 600 PSI with national standard or accepted couplings or hose meeting NFPA standards, NFPA 1961, on each apparatus.~~
 - 10.6.1.13 ~~1- Water Extinguisher w/bracket.~~
 - 10.6.1.14 ~~2- 1/2 inch shut off nozzle capable of discharging at least 95 GPM in both a fog and straight stream on each piece of apparatus.~~
 - 10.6.1.15 ~~1- 2 1/2 inch shut off nozzle capable of discharging at least 200 GPM in both a fog and straight stream on each piece of apparatus.~~
 - 10.6.1.16 ~~1- playpipe, threads 2 1/2 inch standard at hose end and 1 1/2 inch standard for nozzle tips with shut off nozzles and not less than 1 inch smooth bore tips on each end on each piece of apparatus.~~
 - 10.6.1.17 ~~4- combination spanner wrenches for 1 1/2 and 2 1/2 inch hose couplings on each piece of apparatus.~~
 - 10.6.1.18 ~~2- adjustable hydrant wrenches on each piece of apparatus.~~
 - 10.6.1.19 ~~1- 2 1/2 inch double female connection on each piece of apparatus.~~

- 10.6.1.20 ~~1— 2 1/2 inch double male connection on each piece of apparatus.~~
- 10.6.1.21 ~~1— claw tool on each piece of apparatus.~~
- 10.6.1.22 ~~1— crowbar, 36 inch on each piece of apparatus.~~
- 10.6.1.23 ~~1— 2 1/2 inch siamese, with clapper valves on each piece of apparatus.~~
- 10.6.1.24 ~~1— 2 1/2 inch wye on each piece of apparatus.~~
- 10.6.1.25 ~~1— wye reducer, 2 1/2 inch female x 1 1/2 male x 1 1/2 inch male on each piece of apparatus.~~
- 10.6.1.26 ~~1— 1/2 inch single gate or ball valve on each piece of apparatus.~~
- 10.6.1.27 ~~1— first aid kit, 24 unit fire department assortment on each piece of apparatus.~~
- 10.6.1.28 ~~2— salvage covers, 12 x 14 ft. on either piece of apparatus.~~
- 10.6.1.29 ~~3— sprinkler stoppers or wedges on each piece of apparatus.~~
- 10.6.1.30 ~~1— broom on each piece of apparatus.~~
- 10.6.1.31 ~~1— scoop shovel on each piece of apparatus.~~
- 10.6.1.32 ~~3— hose straps or belts on each piece of apparatus.~~
- 10.6.1.33 ~~1— hose clamp on each piece of apparatus.~~
- 10.6.1.34 ~~125 ft. of manila rope, 5/8 inch diameter on each piece of apparatus.~~
- 10.6.1.35 ~~1— hose jacket for 2 1/2 inch hose optional on either piece of apparatus.~~
- 10.6.1.36 ~~4— Self-contained breathing apparatus. (30-minute) NIOSH approved on each piece of apparatus. In compliance with NFPA 1981.~~
- 10.6.1.37 ~~4— spare bottles for breathing apparatus. (30-minute) NIOSH approved on each piece of apparatus. In compliance with NFPA 1981.~~
- 10.6.1.38 ~~1— blanket on each piece of apparatus.~~
- 10.6.1.39 ~~1— distributing nozzle (cellar nozzle) optional on either piece of apparatus.~~
- 10.6.1.40 ~~1— set of adapters to make connection between national standard thread and thread of surrounding companies (may be waived) optional on either piece of apparatus.~~
- 10.6.1.41 ~~1— generator, 2.5 KW on either piece of apparatus.~~
- 10.6.1.42 ~~1— smoke ejector, 5,000 CFM on either piece of apparatus.~~
- 10.6.1.43 ~~200 ft. 12-3 electric cable with locking type connectors on each piece of apparatus.~~
- 10.6.1.44 ~~1— Rubber mallet suitable for use on suction hose connections.~~
- 10.6.1.45 ~~2— Wheel chocks mounted readily accessible location.~~
- 10.6.2 ~~All equipment shall be equal to or better than that listed above.~~
- 10.6.3 ~~Fire company requests for waivers for certain equipment will be considered.~~

Chapter 4 Minimum Requirements for the Establishment of Additional Stations for Existing Fire and/or EMS Companies/Departments in the State of Delaware

1.0 General requirements

- 1.1 Existing fire and/or EMS companies/departments desiring to establish additional station(s) within the State of Delaware shall immediately advise the State Fire Prevention Commission of their intent by letter.
- 1.2 The Commission shall, upon receipt of the notification, send a copy of these regulations to the fire and/or EMS companies/departments. The Commission shall notify the parties in writing of the date and time to appear before the Commission. The company/department making the request will be required to appear before the Commission to make a brief presentation and answer questions concerning the proposed additional station(s). Bordering companies/departments may send a written response or a written request to appear before the Commission at the scheduled hearing.
- 1.3 It is necessary for the fire and/or EMS company/department desiring the additional station to follow certain steps to comply with these regulations. The steps to be followed are:
 - 1.3.1 Compliance with Section 2.0 - Authorization of additional station(s).
 - 1.3.2 Compliance with Section 3.0 - Fire station construction and submittal of plans.
 - 1.3.3 Communications and alarm receiving and alerting equipment.
 - 1.3.4 Equipment
 - 1.3.5 Waivers/Exemptions.
- 1.4 Temporary/emergency fire and/or EMS station

- 1.4.1 The Commission may waive the procedures set forth herein whenever it determines that the health and safety of the public or the good of the fire and/or EMS service in general requires such a waiver.

12 DE Reg. 436 (10/01/08)

2.0 Authorization of substation and/or additional station

- 2.1 The Commission shall determine whether any new substation and/or additional station shall be authorized in any part of the State. In making such determination, the Commission shall consider among things the ability, financial or otherwise, of the company/department seeking authorization to maintain an effective fire and/or EMS company and fire and/or EMS protection needs of the area involved. ~~Title 16, Chapter 66, Section 6619.~~
- 2.2 The location of the additional fire and/or EMS station(s) shall be within the requesting company/department's district boundaries. The location shall be selected, taking into account the location of high life hazards, concentrations of values, topographical conditions, bridges, man-made barriers such as railways or limited access highways, the locations of neighboring fire and/or EMS stations and the availability of department members.
- 2.3 A certified plot plan showing the proposed location of the station shall be submitted to the Commission.
- 2.4 Neighboring fire and/or EMS companies/departments may join together to combine resources for an additional station(s) provided all parties appear before the Commission in support of the request.

12 DE Reg. 436 (10/01/08)

3.0 Fire/EMS station construction and submittal of plans

- 3.1 The additional station(s) shall be of adequate size to provide space for at least two pieces of emergency equipment.
- 3.2 The additional station shall be of fire resistive or non-combustible construction in accordance with any and all building codes, fire codes and zoning requirements within the local jurisdiction and must provide proper rest room facilities.
- 3.3 The additional station(s) shall be equipped with an emergency power supply to keep the station(s) operational during a power outage.
- 3.4 Preliminary and final plans, specifications, etc., shall be submitted to the Commission for approval along with a copy of the appropriate permits from the County or Jurisdictional Building Department and Fire Marshal's Office before work is started.
- 3.5 A pre-existing building may be approved, providing it meets the standards and requirements set forth in this Section. Preliminary and final plans, along with a copy of the appropriate permits from the County or Jurisdictional Building Department and Fire Marshal's Office, must still be submitted and approved by the Commission.

12 DE Reg. 436 (10/01/08)

4.0 Communications and alarm receiving and alerting equipment

- 4.1 The fire/EMS emergency phone shall be on a private phone line direct to the county/local dispatch center.
- 4.2 Fire alerting equipment shall be any of the following: siren, tone activated radio, pager or whatever might be the latest technology in use in the respective county/state at that time, such as alpha/numeric pagers, cell phone/text messaging or internet systems.
- 4.3 The station(s) shall be equipped with the proper computer, fax and printer equipment necessary to transmit and receive data from the local dispatch center, hospitals, state and county agencies including but not limited to fire and EMS reports required by the state.
- 4.4 All fire and EMS units shall be equipped with the proper radio/computer equipment to communicate with the local dispatch center and local/state agencies.
- 4.5 Fire/EMS alerting communications equipment shall be tested as agreed upon by the fire and EMS community and the respective county/state.

12 DE Reg. 436 (10/01/08)

5.0 Equipment

- 5.1 Personal protection
 - 5.1.1 There shall be a minimum of fifteen sets of personal protection equipment. This equipment shall include, but not be limited to, the following items: helmet, bunker coat, bunker pants, boots, gloves, eye protection and PASS device. All equipment shall meet the appropriate NFPA standard.

5.1.2 Stations that will house a BLS unit shall also provide proper protection for the BLS crew to operate safely at emergency incidents. This equipment shall include, but not be limited to, head protection, reflective outer wear, gloves and eye protection.

5.2 Fire apparatus

5.2.1 The fire apparatus shall be that which meets the needs of the requesting company and is approved by the Commission.

5.2.2 All fire, rescue and aerial apparatus shall conform to the provisions outlined in the appropriate chapters of NFPA No. 1901. If pumping apparatus is provided, Chapter 3, subsection 10.3 shall be complied with.

12 DE Reg. 436 (10/01/08)

6.0 Waivers/Exemptions

6.1 Fire and/or EMS company/department requests for waivers for certain equipment will be considered.

6.2 Consideration will be given to the requesting company/department to move equipment as needed.

12 DE Reg. 436 (10/01/08)

Chapter 5 - Live Fire Training Regulations

1.0 Introduction

1.1 **Scope.** ~~This Chapter 5 of this regulation deals with the establishment of procedures, in addition to NFPA 1403, for training of fire suppression personnel engaged in structural fire fighting operations under live fire training.~~ Effective July 1, 1995.

1.2 **Purpose.** This regulation deals with the training of structural ~~fire fighting~~ firefighting under live fire conditions and focuses on training for coordinated interior fire suppression operations with a minimum exposure to risk for the participants.

1.3 **General.** Live fire training in a training center burn building or in a suitable acquired building awaiting demolition is an excellent means of training ~~fire fighters~~ firefighters. While this type of training provides high levels of realism, it obviously carries with it most of the hazards of interior ~~fire fighting~~ firefighting at an actual emergency. Live fire training evolutions must be planned with great care and supervised closely by instructional personnel. The information contained in this regulation is designed to ensure adequate levels of safety while allowing the local organization some flexibility to utilize independent judgement based on local situations and the level of training to be accomplished.

1.4 **Definitions.** Unless expressly stated elsewhere, the following terms shall, for the purposes of this regulation, have the meanings indicated below.

"Acquired Building" means a structure acquired by the ~~[authority having jurisdiction~~ **Authority Having Jurisdiction]** from a property owner for the purpose of conducting live fire training evolutions.

"Authority Having Jurisdiction" The ~~["authority having jurisdiction"~~ **"Authority Having Jurisdiction"]** for the purpose of live fire training is the fire chief.

"Demonstration" means a practical showing by example of how a principle or method is applied.

"Instructor" means an individual designated by the authority having jurisdiction to deliver structural ~~fire fighting~~ firefighting training; who has the training and experience to supervise students during live fire training evolutions in structures.

"Live Fire" means any unconfined open flame or device that can propagate fire to the building or other combustible materials.

"Officer-in-Charge" means an individual designated by the authority having jurisdiction to be in charge of the live fire training evolution.

"Participant" means any student, instructor, safety officer, visitor, or person who is involved in the live fire training evolution within the operations area.

"Safety Officer" means an individual designated by the authority having jurisdiction to maintain a safe working environment at all live fire training evolutions.

"Student" means any person who is present at the live fire training evolution for the purpose of receiving training.

2.0 Student Prerequisites

- 2.1 **Minimum Training.** In order to ensure safe operations during a live fire training exercise, all participating personnel shall meet a minimum level of basic training as required by the ~~[authority having jurisdiction~~ **Authority Having Jurisdiction**].
- 2.1.2 Requirements of a minimum basic training for students, crew leaders, instructors, safety officers, and officers in charge participating in live fire training shall be determined by the ~~[authority having jurisdiction~~ **Authority Having Jurisdiction**].

3.0 Structures

- 3.1 General. Strict safety practices shall be applied to all structures selected for live fire training evolutions. These practices will vary greatly in the degree of application when comparing burn building structures to acquired structures. By their nature, burn buildings have been designed specifically for the purpose of repeated live fire training evolutions and include safeguards that only become unacceptably hazardous through misuse or improper maintenance. Acquired structures, on the other hand, were never designed or intended for burn applications and through disrepair may lack even fundamental elements of fire resistance.
- 3.2 Procurement of Acquired Buildings
- 3.2.1 Any building that is considered for a structural fire training shall be properly prepared for the live fire training. Preparation will include following the Delaware Fire Prevention Commission Burn Regulations.
- 3.3 Preparation of Acquired Buildings
- 3.3.1 In preparation for live fire training, an inspection of the structure shall be made to determine that the floors, walls, stairs, and other structural components are capable of withstanding the weight of content, participants, and accumulated water.
- 3.3.2 Removal or neutralization of all hazardous storage and conditions within the structure shall be accomplished. Closed containers and highly combustible materials shall be removed. Oil tanks and similar closed vessels that cannot easily be removed shall be vented sufficiently to eliminate an explosion or overpressure rupture, and have any hazardous or combustible atmosphere within the tank or other vessel shall be rendered inert. Hazards potentially dangerous to participants such as floor openings, missing stair treads and rails, and other such hazards shall be repaired or made inaccessible.
- 3.3.3 In order to secure optimum participant personal safety from unforeseen environmental hazards, a careful examination of the building or structure shall be conducted to determine that the following items have been addressed, if applicable, to the specific evolution.
- 3.3.3.1 ~~floors~~ **Floors**, railings, and stairs shall be made safe;
 - 3.3.3.2 ~~special~~ **Special** attention shall be given to potential chimney hazards;
 - 3.3.3.3 ~~debris~~ **Debris** creating or contributing to unsafe conditions shall be removed;
 - 3.3.3.4 ~~extraordinary~~ **Extraordinary** weight above the training area shall be removed or the area below it shall be rendered inaccessible;
 - 3.3.3.5 ~~adequate~~ **Adequate** ventilation ~~opening(s)~~ **openings** shall be made in the roof;
 - 3.3.3.6 ~~utilities~~ **Utilities** shall be disconnected;
 - 3.3.3.7 ~~all~~ **All** forms of asbestos deemed hazardous to personnel shall be removed.
- 3.3.4 Roof ventilation openings that are normally closed but can be opened in the event of emergency may be utilized. These may consist of panels or hinged covers.
- 3.3.5 Buildings that cannot be made safe as required by ~~section 3-3~~ **subsection 3.3** shall not be utilized for interior live fire training evolutions.
- 3.4 Exposures
- 3.4.1 Adjacent building or property that might become involved shall be properly protected in accordance with the Delaware Fire Prevention Commission Burn Regulations.
- 3.4.2 Utility service adjacent to the building shall be removed or protected.
- 3.4.3 Property adjacent to the building that could be affected by the smoke from the building, such as railroads, airports, or heliports; nursing homes, hospitals, or other similar facilities shall be identified and the person-in-charge informed about the date and time of the live fire training evolution.
- 3.4.4 Streets or highways in the vicinity of the building shall be surveyed for potential effects from live fire training evolutions. Appropriate safeguards shall be taken to eliminate any possible hazard to motorists. Such safeguards may include street closing, traffic rerouting, signs, and police traffic control.
- 3.4.5 Pedestrian traffic in the vicinity of the building shall be kept clear of the operations area of the live burn. Fire lines shall be established for this purpose.
- 3.5 Water Supply

- 3.5.1 The water supply for any individual live fire training evolution shall be assessed based on the extent of the evolutions, size and structure of the building and contents to be involved, method of attack to be employed, protection of exposures, and reserves for unexpected problems.
- 3.5.2 Separate sources shall be utilized for supply of attack lines and backup lines in order to preclude the loss of both water supply sources at the same time.
- 3.6 Vehicle Parking/Staging
 - 3.6.1 Adequate areas for staging, operating, and parking of the fire apparatus that will be used in the live fire training evolution shall be designated.
 - 3.6.2 An area shall be designated to park fire apparatus and vehicles that are not a part of the evolution so as to not interfere with fire ground operations. Consideration shall be given to locating this area for prompt response of apparatus in the event of an emergency.
 - 3.6.3 If required or necessary, parking areas for police vehicles or for the press shall be designated.
 - 3.6.4 A parking area for an ambulance or emergency medical service vehicle shall be designated. Consideration shall be given to locating this area for prompt response in the event of a personal injury to participants in the evolution.
 - 3.6.5 Consideration shall be given to the designation and layout of ingress-egress routes in order to assure their availability in the event of an emergency.
- 3.7 Preburn Briefing Session
 - 3.7.1 Prior to conducting actual live fire training evolutions in the building, a preburn briefing session shall be conducted for all participants. All facets of all evolution to be conducted shall be discussed and assignments shall be made for all crews participating in the training session. The location of simulated victims (see subsection 5.2.10) need not be disclosed, provided that the possibility of victims is discussed in the preburn briefing.
 - 3.7.2 Prior to conducting any live fire training in the structure, all participants shall have a knowledge and familiarity with the layout of the building in order to facilitate necessary evacuation of the building. Prior to conducting any live fire training in the structure, all participants of the evolution shall be required to have a walk-through of the structure.
 - 3.7.3 A building evacuation plan shall be established and an evacuation signal shall be demonstrated to all participants prior to the live fire training evolution.
- 3.8 Spectator Safety
 - 3.8.1 All spectators shall be restricted to an area outside the operations area perimeter established by the fire chief or his designee.
 - 3.8.2 Visitors allowed to observe operations and allowed within the perimeter shall be escorted at all times.

4.0 Fuel Materials

4.1 Material Types

- 4.1.1 The fuels that are utilized in live fire training evolutions shall have known burning characteristics of such a nature to be as controllable as possible. Unidentified materials, such as debris found in or around the structure which may burn in an unanticipated way, react violently, or create environmental or health hazards, shall not be used.
- 4.1.2 Class A materials shall be used in only the amounts necessary to create the desired fire size.
- 4.1.3 ~~Exception: Pressure treated wood, rubber, and plastic materials shall not be used.~~ Exception: pressure treated wood, rubber, and plastic material shall not be used.

4.2 Fire Growth Growth.

- 4.2.4 The officer-in-charge shall assess the selected ~~fire room~~ fire-room environment for factors that will affect the growth, development, and spread of fire.

5.0 Safety

5.1 Safety Officer/Designee

- 5.1.1 A safety officer shall be appointed by the authority having jurisdiction for all live fire training evolutions.
- 5.1.2 The safety officer shall have the authority, regardless of rank, to intervene and control any aspect of the operations when, in his or her judgement, a potential or real danger, accident, or unsafe condition exists.
- 5.1.3 Responsibilities of the safety officer shall include ~~but not be limited to:~~
 - 5.1.3.1 ~~prevention~~ Prevention of unsafe acts acts.
 - 5.1.3.2 ~~elimination~~ Elimination of unsafe ~~conditions~~ conditions.

- 5.1.4 The safety officer shall provide for the safety of all persons on the scene including students, instructors, visitors, and spectators.
- 5.1.5 The safety officer shall not be assigned other duties that interfere with safety responsibilities.
- 5.1.6 If the safety officer notices any unsafe act or condition occur, he/she shall report it to the officer-in-charge as soon as possible.

5.2 Other Safety Requirements

- 5.2.1 Sufficient backup lines shall be provided to ensure adequate protection for personnel on training attack lines.
- 5.2.2 The officer-in-charge of the live fire training evolutions shall determine, prior to each specific evolution, how many training attack lines and backup fire lines will be necessary. The officer-in-charge shall then:
 - 5.2.2.1 ~~assign~~ Assign a crew leader to each line, and will not exceed 5 students
 - 5.2.2.2 ~~assign~~ Assign sufficient additional personnel to "backup lines" to provide mobility
- 5.2.3 Additional safety personnel, as deemed necessary by the officer-in-charge, shall be strategically placed within the structure to react to any unplanned or threatening situation or condition.
- 5.2.4 A method of fireground communications shall be established to allow coordination among the incident commander, the interior and exterior sectors, the safety officer, and external requests for assistance.
- 5.2.5 Emergency medical services shall be available to handle any injuries. Written reports shall be made on all injuries and on all medical aid rendered.
- 5.2.6 One person shall be designated as the "ignition officer" to control the materials being burned. The ignition officer shall not be a student.
- 5.2.7 The ignition officer shall wear full protective clothing, including self-contained breathing apparatus (~~scba~~) (SCBA) as required in ~~section 5-3 subsection 5.3~~, when performing this function.
- 5.2.8 The decision to ignite the training fire shall be made by the instructor-in-charge in coordination with the safety officer. No more than one fire shall be permitted within a building, except in training center burn buildings specifically designed for concurrent, multiple live fire training evolutions.
- 5.2.9 A thorough search of the structure shall be conducted to ensure that no unauthorized persons, animals, or objects are in the building immediately prior to ignition.
- 5.2.10 No ~~person(s)~~ person shall be placed inside the building to play the role of a victim.

5.3 Protective Clothing and Equipment

- 5.3.1 Each participant shall wear full protective clothing and ~~self-contained breathing apparatus (scba)~~ SCBA.
- 5.3.2 Prior to entry into a live fire training evolution, all protective gear shall meet requirements of the authority having jurisdiction.

6.0 Officer

6.1 General

- 6.1.1 The authority having jurisdiction shall designate an individual to deliver structural ~~fire fighting~~ firefighting training.
- 6.1.2 Other factors such as extreme temperatures, large groups, and long-duration classes shall be taken into consideration, and additional crew leaders shall be designated as deemed necessary to ensure proper levels of safety.

6.2 Officer Responsibilities.

- 6.2.1 The officer-in-charge of the live fire training shall be responsible for full compliance with this regulation.
- 6.2.2 Crew leader shall make a head count both when entering and exiting the building during an actual attack evolution conducted in accordance with this regulation. Crew leader shall closely monitor and supervise all assigned students during the live fire training evolution.

7.0 Reports and Records

~~7.1~~ General.

- ~~7.1.1~~ The authority having jurisdiction shall keep all necessary reports and records required.

Chapter 6 - Burn Regulations

1.0 General Definitions

"Emergency Dispatch Center" means the designated Emergency Dispatch Center for the fire district in which the burn is to take place:

- ~~New Castle County Fire Board~~
- ~~Kent Center~~
- ~~Sussex Base~~
- ~~Rehoboth Center~~
- ~~Seaford Center~~
- ~~Milford Center~~

"Fire Chief" means the elected or appointed individual, their designee or the member of the department serving in that capacity.

"Fire Department" means the Fire Department recognized by the Delaware State Fire Prevention Commission as having jurisdiction in a given area.

"Necessary Permits" means those permits as required by the local, county or state regulations or laws.

"Neighboring Property Owners" means the owners of any adjacent property or structures.

"Property Owner" means the individual or individuals whose name appears on the title or deed to the property.

"PSAP" shall mean Public Safety Answering Point, which is the designated Emergency Dispatch Center for the fire district in which the burn is to take place, including New Castle County Fire Board, Kent Center, Sussex Base and Rehoboth Center.

"Suitable Atmospheric Conditions" means weather conditions as determined by the Department of Natural Resources and Environment Control as suitable for open burning.

"Water Supply Company" means the local or county ~~and/or~~ or private corporation that provides water necessary for fire protection to a given area.

2.0 Regulations

2.1 Property Owner should contact Fire Department to request the controlled burning.

2.1.1 Emergency Dispatch Centers shall refer all questions about burning of brush or buildings to Fire Chief of appropriate district.

2.2 The Fire Chief ~~and/or~~ or property owner will obtain all approvals that are applicable and provide copies to the Fire Department. The approvals may include:

- Department of Natural Resources and Environmental Control
- County Permits
- City/Town Permits
- Historical Society
- Others as deemed necessary by the Fire Chief

2.3 The property owner will provide the Fire Chief/Fire Department with written confirmation that the property is not insured for fire loss.

2.4 The Fire Chief will confirm that the property owner has notified all neighboring property owners of the burn. This notification should include an anticipated time and date when the burn will take place.

o 2.4.1 The property owner will immediately notify the Fire Chief if a problem occurs.

o 2.4.2 Should a neighboring property owner object to the burn, it will not be conducted until all objections are resolved.

o 2.4.3 The Fire Chief may require written releases from neighboring property owners.

2.5 The Fire Chief will ensure that there is ample water and that suitable atmospheric conditions exist before ignition.

2.6 The Fire Chief will ~~confirm~~ confirm that the property owner has contacted the ~~property~~ following utility companies for service disconnect:

- Electric
- Telephone
- Cable Television
- Sewer
- Water
- Gas

2.7 The property owner is responsible to contact the appropriate water supplier for permission to use water during the controlled burning.

o 2.7.1 An existing agreement between the Fire Department and water supplier may eliminate this step.

- 2.7.2 The Fire Chief will be provided with the name of the person and date the property owner made contact.
- 2.8 ~~The~~ At the discretion of each fire department, prior to the burn, the Fire Chief and the property owner, prior to the burn, property owner will mark the structure.
 - ~~Marking will be at the discretion of each fire department.~~
- 2.9 Prior to ignition, the Fire Chief will ensure that proper safety measures to protect the burn participants and neighboring property have been taken.
 - A check list may be used.
- 2.10 Should the structure be ~~[sued used]~~ for training prior to or during burning, the Fire Chief will obtain a letter from the property owner authorizing this use.
- 2.11 The Fire Chief will notify the appropriate emergency dispatch Center prior to ignition.
- 2.12 Immediately prior to ignition, the Fire Chief will make a final inspection of the structure and surrounding area to check for any unsafe conditions or items that would prevent the burning.
- 2.13 Upon completion of the burn, the ~~[fire Fire]~~ Chief will notify the Department of Natural Resources and Environmental Control the burn is completed.
- 2.14 For any reason, should the Fire Chief feel the burn may not be conducted in a safe and proper manner, the Fire Chief/Fire Department shall have the authority to refuse to burn any property at anytime.
- 2.15 At the conclusion of the burn or training exercise, the Fire Chief shall turn the property back to the owner who is responsible for security.

Chapter 7 Health and Safety

1.0 Minimum Training Requirements

- 1.1 Minimum training is required to ensure firefighters can safely and adequately perform functions at emergency scene operations. Fire Companies are required to track and maintain training records for all members. Members shall only be assigned duties commensurate with their training.
- 1.2 For members to perform independently or as a part of a team[,], they must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of basic fire skills, structural skills, hazmat response skills and vehicle rescue.
- 1.3 Members not yet trained at these levels must be closely supervised by trained members when operating at scenes. Members that are not trained in structural fire skills shall not be assigned interior duties at structural fires and may only participate as support personnel.
- ~~1.4 Members assigned duties at training or alarms at a crew management level must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of Crew Leader and Fire Officer 1.~~
- ~~1.5 Members assigned duties at training or alarms at a scene management level must have successfully completed the Delaware State Fire School curriculum or an approved equivalent training of Fire Officer 2.~~
- ~~1.6~~ 1.4] Sufficient equivalency of training shall be determined by the Commission through the Director of the Delaware State Fire School (DSFS).

2.0 Minimum Guidance Documents, Procedures and Guides

Fire Companies must have and make available all Department Governance information to all members. This includes By-Laws and Standard procedures or Guides.

3.0 Health and Safety Guides

- 3.1 Fire Companies must develop and utilize procedures or guides to assist with responding and on-scene safety to include:
 - 3.1.1 A risk management plan
 - 3.1.2 Respiratory program including SCBA use
 - 3.1.3 Traffic interface safety
 - 3.1.4 Personal Protection Equipment use and care
 - 3.1.5 Safe operations of motor vehicles both in routine and emergency response modes

- 3.1.6 Pre-planned identified automatic or mutual aid resources to ensure sufficient staffing and equipment. Primary assignment of mutual aid must be based on proper typed resources with proximity always the primary consideration.
- 3.1.7 Utilize a recognized incident command system
- 3.1.8 Health and Safety program that includes infection control and responder wellness.

4.0 On-Scene Safety

- 4.1 Fire Companies must develop and utilize procedures or guides to assist with known hazards in the response area. These procedures or guides are to assist with safe operations and include:
 - 4.1.1 Structural scene strategies / tactics and activities
 - 4.1.2 Size up considerations
 - 4.1.3 Staging considerations
 - 4.1.4 Operating in basements, sprinkled structures, and vacant structures.
 - 4.1.5 Mayday
 - 4.1.6 Automatic fire alarm response
 - 4.1.7 Waste containers
 - 4.1.8 Guides for on scene managers to request assistance and communications plan

5.0 Response Apparatus

All response equipment must meet the specific requirements of NFPA 1901 and NFPA 1911 including equipment and testing requirements along with any DOT required inspection program.

APPENDIX G
Chapter 8 Applicable NFPA Standards

The following are additional National Fire Protection Standards ~~adopted by the Fire Prevention Commission, as cited in the various sections of this Regulation.~~ are adopted and incorporated herein by reference:

NFPA	1971	1991	Edition Protective Clothing for Firefighters
NFPA	1972	1987	Edition Helmets for Structural Firefighting
NFPA	1973	1988	Edition Gloves for Structural Firefighting
NFPA	1974	1987	Edition Footware for Structural Firefighting
NFPA	1901	1991	Edition Pumper Fire Apparatus
NFPA	1961	1992	Edition [fire Fire] Hose
NFPA	1981	1987	Edition Breathing Apparatus for Firefighting
NFPA	13E		<u>Recommended Practice for Fire Department operations in Properties Protected by Sprinkler and Standpipe Systems</u>
NFPA	1201		<u>Standard for Providing Fire and Emergency Services to the Public</u>
NFPA	1250		<u>Recommended Practice in Fire and Emergency Service Organization Risk Management</u>
NFPA	1403		<u>Standard on Live Fire Training Evolutions</u>
NFPA	1404		<u>Standard for Fire Service Respiratory Protection Training</u>
NFPA	1410		<u>Standard on Training for Emergency Scene Operations</u>
NFPA	1500		<u>Standard on Fire Department Occupational Safety, Health and Wellness Program</u>
NFPA	1550		<u>Standard for Emergency Responder Health and Safety</u>

NFPA	1561		<u>Standard for Emergency Services Incident Management System and Command Safety</u>
NFPA	1580		<u>Standard for Emergency Responder Occupational Health and Wellness</u>
NFPA	1581		<u>Standard for Fire Department Infection Control Program</u>
NFPA	1700		<u>Guide for Structural Fire Fighting</u>
NFPA	1720		<u>[Stand Standard] for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments</u>
NFPA	1850		<u>Standard for Protective Ensembles for Structural Fire Fighting and Self-Contained Breathing Apparatus (SCBA)</u>
NFPA	1851		<u>Standard on Selection, Care, and maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting</u>
NFPA	1852		<u>Standard on Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA)</u>
NFPA	1901		<u>Standard for Automotive Fire Apparatus</u>
NFPA	1911		<u>Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency vehicles</u>
NFPA	1914		<u>Standard for Testing Fire Department Aerial Devices</u>
NFPA	1917		<u>Standard for Automotive Ambulances</u>
NFPA	1932		<u>Standard on Use, Maintenance, and Service Testing of in-Service Fire Department Ground Ladders</u>
NFPA	1960		<u>Standard for Fire Hose Connections, Spray Nozzles, Manufacturer's Design of Fire Department Ground Ladders, Fire Hose, and Powered Rescue Tools</u>
NFPA	1961		<u>Standard on Fire Hose</u>
NFPA	1962		<u>Standard for the Care, Use, Inspection, Service Testing and Replacement of Fire Hose, Couplings, Nozzles, and Fire Hose Appliances</u>
NFPA	1970		<u>Standard on Protective Ensembles for Structural and Proximity Fire Fighting, Work Apparel and Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergencies Services, and Personal Alert Safety Systems (PASS)</u>
NFPA	1971		<u>Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting</u>
NFPA	1975		<u>Standard on Emergency Services Work Apparel</u>
NFPA	1981		<u>Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services</u>
NFPA	1982		<u>Standard on Personal Alert Safety Systems (PASS)</u>

APPENDIX H

DEFINITIONS 2

~~“Active Firefighting Member”~~— shall be any member who has completed at least 48 hours of Fire Service training as approved by the Commission.

~~“Additional Station”~~— shall mean a fire station operated and controlled by a fire company at a location remote from its main station.

~~“Advisory Committee” shall mean the members of the Delaware State Volunteer Firemen's Association and the County Firemen's Association.~~

~~“Approval” or “Approved” shall mean approved by the State Fire Prevention Commission.~~

~~“Commission” shall mean the State Fire Prevention Commission.~~

~~“County Firemen's Association (C.F.A.)” shall mean the New Castle County Volunteer Firemen's Association, Kent County Volunteer Firemen's Association, and the Sussex County Volunteer Firemen's Association.~~

~~“Fire Company” shall mean an organization organized and equipped to provide fire suppression.~~

~~“Fire Company Member” shall mean any individual maintained on the membership rolls of a fire company in this State and any individual whose membership is terminated for any reason from such a company less than 60 days before the filing of a grievance under Section 4.1 of the Delaware State Fire Prevention Commission Complaint and Grievance Procedure.~~

~~“Main Station/Parent Company” shall be any fire department which is incorporated in the State of Delaware.~~

~~“NFPA” shall mean in accordance with current National Fire Protection Association Standards as adopted by the State Fire Prevention Commission.~~

~~“State Firemen's Association” shall mean the Delaware State Volunteer Firemen's Association, AKA D.V.F.A.~~

~~“SUBSTATION” shall mean a fire station operated and controlled by a fire company at a location remote from its main station.~~

12 DE Reg. 436 (10/01/08)

25 DE Reg. 1113 (06/01/22)

26 DE Reg. 937 (05/01/23) (Final)