



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE

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## Firefighter Training and Certification

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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# Firefighter Training and Certification

**Reference Number:** MTAS-242

## ***Commission on Firefighting Personnel Standards and Education***

Tennessee Code Annotated (T.C.A.) §§ 4.24.101, *et seq.*, established the Commission on Firefighting Personnel Standards and Education under the Department of Commerce and Insurance. Comprising the commission of nine members, appointed by the governor (the commissioner of education is a non-voting, ex officio member), the commission makes recommendations to the governor and General Assembly on municipal firefighting issues and:

- certifies fire training instructors;
- certifies training and education programs prescribed by the commission;
- recommends and approves curricula for advanced courses and seminars in fire science, fire engineering, and training in institutions of higher learning or other state-supported schools;
- establishes classifications based on training and education for full-time, part-time, and/or volunteer firefighters who pass the certification examinations proctored by the commission;
- certifies individuals who are not currently firefighters but who complete an approved recruit training program; and
- administers the supplemental income bonus (educational incentive pay) provided for in the statute.

Various provisions of the statute elaborate on the commission's powers in the above areas.

Participation in the commission's firefighter certification program is voluntary as T.C.A. § 4.24.108 states that nothing contained in this law shall be deemed to limit the powers, rights, duties and responsibilities of municipal or county governments.

Full-time paid firefighters who successfully complete 40 hours of in-service training (appropriate to their rank and the size and location of their fire departments) are eligible for educational incentive pay (\$600 for 2018 training year). T.C.A. § 4.24.202(c) requires that firefighters serving in the military receive their incentives if the military service prevented them from attending in-service training.

## ***Vanessa K. Free Act***

Under the Vanessa K. Free Act, T.C.A. § 55.8.194, requires training for drivers of emergency vehicles, requires each person who drives an emergency vehicle in an official capacity shall be adequately trained to drive the emergency vehicle. Documentation by the agency providing training shall include:

- (A) Training in the operation of the vehicle in emergency and non-emergency situations
- (B) A review of all applicable laws pertaining to emergency vehicles
- (C) Training to respond to actions of non-emergency vehicles

Each emergency vehicle driver shall take not less than two hours of training annually, and each emergency vehicle driver shall take and pass a comprehensive examination pertaining to subdivisions (A)-(C) every year

This applies to all law enforcement personnel, firefighters, including volunteer firefighters, rescue personnel, including volunteer rescue personnel, and emergency services personnel.

## ***Minimum Firefighter Training***

T.C.A. § 4.24.112 established minimum training requirements for firefighters

- Requires that any full-time, part-time, or volunteer firefighter hired or accepted as a firefighter on or after July 1, 2009 complete a 16-hour class for firefighters before responding to a fire
- Requires that every firefighter complete a basic class and live burn class defined by the Tennessee Fire and Codes Enforcement Academy within 3 years of joining a fire department
- Provides exceptions for firefighters who already had 5 years of experience as of July 1, 2009
- Provides numerous exceptions by county

Even if a county is exempt from the training under the law, MTAS recommends that all firefighters take these classes regardless of an exemption as this is the minimum standard for firefighter training for the state.

The Fire Department Recognition Act, T.C.A. § 68.102.301 (passed in 2003), requires newly appointed fire chiefs to complete, within one year of their appointment, a 16-hour course taught through the Tennessee Fire and Codes Enforcement Academy. This law applies only to the chief of the fire department, but the 16-hour class, called the Fire Chief Orientation class, is open to all fire department personnel if seats are available (newly appointed fire chiefs have priority).

## Firefighter Minimum Training Law

**Reference Number:** MTAS-1420

### ***What is the Firefighter Minimum Training Law?***

This law was passed by the 2009 General Assembly and signed by the governor on June 25, 2009. The law took effect on July 1, 2009. T.C.A. Title 4, Chapter 24, Part 1, was amended by adding a new section, Section T.C.A. § 4-24-112. The law did three things: (1) established a 16-hour class that must be taken by anyone who enters the fire service before they can respond to any emergency, and (2) requires that every firefighter complete a basic firefighter class, as defined by the Tennessee Fire and Codes Academy, within three years of joining a fire department, and (3) provides exceptions for firefighters who already had five years of experience as of July 1, 2009.

### ***Who does this law affect?***

All full-time, part-time and volunteer firefighters in Tennessee.

### ***Are there any exceptions?***

Yes (1) Any firefighter who is certified by a medical doctor as medically or physically unable to complete the training requirements is exempt; however, the fire department may not allow such firefighters to engage in active firefighting operations and (2) any firefighter who is certified by the fire department's chief officer not to operate within an environment determined to be immediately dangerous to life and health (IDLH) is exempt from the "live firefighting" portion of the training referenced in subsection (a)(2).

### ***What are the minimum training standards required by this law?***

(1) The firefighter must previously have completed, or must complete after joining the fire department, a minimum of 16 hours of initial training developed by the Tennessee Fire Service and Codes Enforcement Academy in firefighting procedures and techniques, or complete equivalent training approved by the Tennessee Commission on Firefighting Personnel Standards and Education before being allowed to actively fight a fire, and (2) Within 36 months after hire or acceptance date as a firefighter, the firefighter must have completed, or must complete after joining the fire department, the "basic and live firefighting" course offered by the Tennessee Fire Service and Codes Enforcement Academy or an equivalent course. The law requires that the firefighter complete both the 16 hours of initial training and the 64-hour basic and 16-hour live firefighting course: the 64-hour course does not substitute for the 16 hours of initial training. A firefighter must take all three classes to comply with the law.

### ***Possible Legal Implications for Fire Departments in Exempted Counties***

Fire departments in counties that are exempt from the training requirements of this law should not rest on their exemption too easily. For an exemption from a general law to be valid, there must be a rational basis for the exemption (*Nolichucky Sand Co. v. Huddleston*, 896 S.W.2d 782 (Tenn. App. 1994)). In other words, there must be a reason or a common thread linking the exempted counties that justifies treating them differently from all the other counties of the state. No such reason, common thread, or rational basis is evident here. If an exemption is challenged, therefore, there is a good likelihood that it would be ruled invalid. There is a severability clause in the new law saying that if a part of the law is ruled invalid, that part will be removed and the rest of the law will remain in effect. If a county's exemption is ruled invalid and removed, the training requirements in the law would then apply in that county. Thus, there is a possibility that the law will be interpreted by the courts as applying statewide anyway, even with the attempted exemptions.

Another reason the training standards established in the new law could apply even in the exempt counties is that they might be interpreted in a tort liability suit as setting the standard against which

conduct is measured even in those counties. Thus, even if the training requirement does not apply in those counties, the conduct of the firefighters in the county could be measured in a lawsuit using the presumed conduct, based upon expert testimony, of firefighters who had received the training. In many cases the conduct of the untrained firefighter would not measure up. Lack of training also could be used in a federal lawsuit based on deliberate indifference or failure to train when firefighter actions result in injuries to, or death of, a member of the public or other firefighters. Liability under federal law is not limited. Governing bodies and fire departments in the exempt counties should not ignore this law.

### ***Additional Information***

This training can be completed at the Tennessee Fire and Codes Enforcement Academy or through any equivalent course elsewhere. The Academy offers the curriculum for both the 16-hour class and the basic class on a DVD that is free from any staff member of the Academy.

The final version of the legislation also authorizes the local government to decide who will be responsible for the cost: the local government or the firefighter.

Several counties exempted themselves out of the legislation:

This section does not apply to the following counties unless the county legislative body adopts a resolution to apply such requirements: **Bradley, Campbell, Cannon, Cocke, Clay, Fentress, Giles, Greene, Hamblen, Hickman, Houston, Humphreys, Jackson, Johnson, Lawrence\*, Lewis\*, Loudon, McMinn\*, Meigs, Morgan, Overton, Perry\*, Pickett, Polk, Roane, Scott, Trousdale, Union, Unicoi, Washington.**

This section does not apply to the following counties unless the county legislative body adopts by a two-thirds vote a resolution to apply such requirements: **McMinn\*.**

This section does not apply to the following counties unless the county legislative body adopts by a two-thirds vote a resolution to opt into the statutory requirements: **Bledsoe, Cumberland, Lawrence\*, Lewis\*, Rhea.**

This act does not apply to the following counties: **Benton, Decatur, Hancock, Hawkins, Henderson, Henry, Jefferson, Lake, Obion, Perry\*, Stewart, Weakley\*.**

*\*Counties listed in more than one section of the bill.*

Fire departments in exempt counties can still provide the training even though they are not required to.

## **Use of Acquired Structures for Training**

**Reference Number:** MTAS-1228

To be effective, firefighters need to train under conditions that approximate their work environment, which means they need live fire training. Police departments do not hand new recruits a bullet-resistant vest and a firearm and say, "Point this end at the bad guy," and then send the police officer out on patrol. Police recruits undergo many hours of classroom instruction, range time and scenario-based training to become proficient in police techniques, and the knowledge and use of deadly force. However, the fire service sometimes takes the approach of "here are your turnouts; point this end of the nozzle at the fire" and then puts the firefighter on the fire engine to fight fire.

In the period between 1977 and 2009, the number of structure fires decreased by 53 percent. During this same period, the number of firefighter deaths due to traumatic injuries sustained fighting the fire increased from 1.8 deaths per 100,000 fires to 3.0 deaths per 100,000 fires. According to the National Fire Fighter Near-Miss Reporting system, for the period between January 2005 and December 2010, there were 89 live fire training near-miss incidents (where some type of unsafe practice occurred) and 28 of those incidents (31 percent) were in acquired structures compared with 17 incidents (16 percent) that occurred in dedicated burn buildings.

The number of fires is decreasing, but firefighter fatalities are increasing, so how do firefighters gain the knowledge and experience needed to be good, safe firefighters? The answer is controlled situation live fire training. Firefighters need to train in combat conditions, facing real fires, either of Class A materials or with environmentally friendly propane simulators. Firefighters need to feel the heat and experience disorientation and the loss of sight in hot, dark, smoke-filled environments. Live fire training provides real-time, real-world experiences that the classroom environment cannot replicate. Live fire training carries as much risk as any structure fire, but careful planning can mitigate some of the risk.

Some departments are fortunate to have a purpose-built structure (burn building) to use in live fire training, but many departments do not. The Tennessee Fire and Codes Enforcement Academy has an excellent live fire training facility, but many departments, especially volunteer departments, do not have the time required to travel to the academy or the money for meals and lodging, even though the cost of training at the academy is very reasonable. Many volunteers cannot take the time off from work required to participate in academy classes. To provide live fire training, one option for these departments is the use of acquired structures for training.

## What is an Acquired Structure?

**Reference Number:** MTAS-1229

The 2018 edition of National Fire Protection Association (NFPA) Standard 1403, Standard on Live Fire Training Evolutions, defines an acquired structure as “A building or structure acquired by the authority having jurisdiction from a property owner for the purpose of conducting live fire training evolutions (§ 3.3.27.1).” This differentiates an acquired structure from a live fire training structure, which NFPA defines as “a structure specifically designed for conducting live fire training evolutions on a repetitive basis (§ 3.3.27.2).” NFPA recognizes that firefighters use other types of training props, and the 2018 edition defines “acquired prop” as “a piece of equipment such as an automobile that was not designed for burning but is used for live fire training evolutions (§ 3.3.1).”

Before 1986, when NFPA published the first edition of NFPA 1403, there was no consensus standard on live fire training. Before knowledge of environmental issues and a greater emphasis on firefighter safety increased, fire departments burned acquired structures with minimal concern for the smoke and toxic gasses released. They used flammable or combustible liquids such as gasoline or diesel fuel to ignite the fire, and started multiple fires at the same time rather than just one fire. Today, such practices are contrary to environmental sustainability, good safety practices, and common sense, which is why fire departments must follow industry standard guidelines to use an acquired structure for training in as safe a manner as possible. If a new recruit is going to panic during his or her first fire, it is better to have that happen in as controlled an environment as possible rather than on a working structure fire.

NFPA 1403 is a consensus standard created through the cooperation of many parties with an interest in the safe training of firefighters. As such, NFPA 1403 is the industry standard for live fire training, and a fire department that conducts training operations outside of the scope of the standard might expose the department and department members to significant liability should a person be injured or killed if a court determines that NFPA 1403 is the standard against which live fire training conduct is measured.

## Cost Versus Benefit

**Reference Number:** MTAS-1231

Using an acquired structure for live fire training requires careful planning and preparation. It requires a significant investment in time and labor, and possibly money, on the part of the fire department. The expense may be worth it as the benefit depends on how much time, effort, and money needs to go into preparing the structure for burning compared to how much actual training is possible given careful planning by the fire department training officer. The fire department should agree to burn an acquired structure for the department’s benefit (training) — not for the benefit of the property owner (demolition).

## Getting Started with a Structure

**Reference Number:** MTAS-1230

Preparation should start by making sure that the person who states that he owns the structure is the owner and has the authority to give the fire department permission to use the structure. The fire department and owner must discuss and agree on which party will be responsible for what, such as site preparation, removal of utilities, asbestos testing, permits, debris removal, etc., and sign an agreement formalizing these details. The fire insurance policy should be canceled so the owner does not claim the training fire as a loss.

Once legal ownership and authority to grant permission to use the structure is established, and before signing an agreement to use the property and/or structure for training, the fire department should conduct a visual inspection of the property and structure for safety and environmental liability. It is important to ensure that no hazardous environmental conditions are on or under the property, or in the structure. Check with local law enforcement to make sure the property was not involved in the production of methamphetamines or other illegal drugs, as chemical residues from such processes are hazardous. Check to see if the runoff water can be controlled and contained. If any environmental concerns are found and cannot be mitigated, it may be best to say, "Thank you, but we cannot use this structure because of environmental concerns," and move on.

Some structures are simply too unsafe to burn. If the structure is not safe, the fire department should say, "Thank you, but we cannot use this structure safely," and move on. If the structure is safe for live fire training, and there are no environmental concerns, the department should create a written training plan for the structure. The training officer must share the plan with all participants before any training takes place. Firefighters need to experience live fire training in as controlled an environment as possible and not be surprised by something unexpected.

An acquired structure intended for live fire training can provide many training opportunities before the first fire is ignited. Firefighters can review building construction, perform forcible entry, perform search and rescue drills, conduct ladder evolutions, advance hose lines, run mayday scenarios, practice Rapid Intervention Team (RIT) response, conduct bailout drills, practice technical rescue evolutions, practice ventilation techniques, and conduct other training opportunities to gain knowledge and skills. The training officer should create a plan that maximizes the benefit of the structure for training opportunities in addition to live fire training. Even if it is not possible to use the structure for live fire training, the structure can provide these and many other one-of-a-kind training opportunities. Before starting any non-fire training, the department must test the structure for asbestos and remove any asbestos products. In structures constructed with asbestos materials, likely exposure to asbestos will occur while breaching walls, conducting ventilation, etc.

Before starting live fire training, repair holes in walls, floors, etc. that existed before the fire department acquired the structure or are a result of the previously mentioned non-fire training evolutions. Abnormal fire spread, falls, etc. can result from any openings in the construction. For safety purposes, repair any holes (existing or made by the fire department) before conducting RIT, ventilation or other training in the structure.

Once the department has decided to use the structure for live fire training, contact the local air quality or pollution control authority for the area and ask if there are any requirements for preparing acquired structures for burning and if a permit is required. Some air pollution control/air quality authorities require removal of asphalt shingles, petroleum-based floor coverings, plastic plumbing pipe, synthetic furnishings, etc. before granting permission to burn. Removal of electrical wiring, electrical outlets, wall switches and cover plates may be required because those items are plastic.

The structure may have exterior siding, insulation, floor tiles or mastic that contains asbestos. Test the structure for asbestos and remove any asbestos found before burning the structure. Asbestos abatement should be required before demolition and haul-off, so the expense of testing and abatement may be a wash for the property owner. Any HVAC systems still in place need to have the Freon or other gas removed. Disconnect all utilities. Provide a reliable source of water that is sufficient to control the fire and protect any exposures if the entire structure is on fire at once. The fire department needs to know where the runoff water is going as it will contain chemicals and contaminants and may need to be collected or diverted from ponds and streams.

If the structure is safe to burn and the fire department desires to conduct live fire training, the city must be ready to assume liability. MTAS legal staff has opined that the liability rests with the city. MTAS does not have a sample liability release, but NFPA does have a sample release as part of its recommendations for live fire training in acquired structures. The NFPA sample release mentions demolition of the structure as the reason the fire department is burning the structure. Air quality is a real concern, and most jurisdictions allow firefighters to burn a building for training but not for demolition. Therefore, if you use the sample language in the NFPA checklist, substitute "training" in place of "demolition" and have your agency's attorney approve the release.

The department needs to locate, provide, and ensure that an adequate and reliable water supply is available for training evolutions, the RIT team, safety lines, and to protect exposures. If the structure is in an area protected by fire hydrants, the department may need to lay supply lines across roadways or

across property owned by others. The department must coordinate any road closures, provide traffic flow, and obtain permission to access other property before starting training.

The department needs to provide logistics for the training evolutions. Staging areas, control of scene access, parking, media access (the department should invite the media to a live fire training day), personal hygiene facilities, refreshments for staff and trainees, and rehab for the trainees should be available when they exit the live fire evolution. Provide sufficient air bottles, a cascade system on the scene, or an air re-supply shuttle to ensure no one runs out of breathing air. Inspect all self-contained breathing apparatus (SCBA) and personal protective equipment before the live burn. Do not use any personal protective equipment with physical damage or missing components. Notify adjacent property owners well before the live burn. Assure that all personnel operating in the Immediately Dangerous to Life and Health (IDLH) atmosphere have conducted SCBA face-piece fit testing in accordance with OSHA 1910.134.

The fire department must take responsibility for preparing the structure so the training is safe. Follow NFPA Standard 1403 guidelines as a nationally recognized best practice. Safety must, at all times, be the primary concern when making preparations and decisions. Establish and use the incident command system and a personnel accountability system. Have emergency medical personnel and an ambulance available on the training ground. Use Class A fuels only and keep fuel loads to the minimum amount to provide sufficient smoke, heat and fire conditions to accomplish the training evolution's goals and objectives while avoiding flashover. Ignite only one fire at a time in the structure. Safety at all times is essential.

## Acquired Structure Conclusion

**Reference Number:** MTAS-1235

Live fire training in an acquired structure is very valuable as it provides firefighters with some of the real life experience they need to be effective firefighters. Many communities do not have access to a training facility with a dedicated live fire building or smoke house, so using an acquired structure can provide a local opportunity to train under realistic conditions. If the building is not suitable for live fire training, other drills, such as search and rescue operations, ladder drills, ventilation drills, etc., are possible. If the building is suitable for live fire training, non-fire drills are still possible before the first live fire drill occurs. Depending upon the size of the structure, number of rooms, and fire control techniques, many air mask drills in smoke conditions, individual fires, search and rescue scenarios, and fire attack scenarios can occur before the building becomes too unsafe to use for further interior attack practice. At that point, the department lets the entire building catch fire, and exterior hand line operation and master stream training takes place. Follow NFPA 1403 guidelines for live fire training evolutions. These are the nationally recognized consensus standards defining the minimum acceptable practice for live fire training. With proper preparation and planning, an acquired structure can provide firefighters with many different opportunities to train, practice and improve essential fire ground skills.

Unfortunately, the Insurance Services Office (ISO) does not recognize the use of an acquired structure for drill credit under Section 580A of the Fire Suppression Rating Schedule. ISO does recognize training conducted at an acquired structure as company training under Section 580B of the schedule.

## Resources for Acquired Structures

**Reference Number:** MTAS-1236

Because of its importance to the fire service, NFPA allows free online access to the complete contents of NFPA 1403, Standard on Live Fire Training Evolutions. Registration is required to access the standard. For access, go to <http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1403> [1].

For individual use, NFPA has licensed the checklist found in NFPA 1403. For more information on the checklist, contact NFPA directly. Obtain a copy of and become familiar with NFPA 1403 before conducting any live fire training evolutions.

The Tennessee Fire and Codes Enforcement Academy offers live fire training programs. For information on live fire and other training programs, contact the academy.

Tennessee Fire Service and Codes Enforcement Academy  
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Bell Buckle, Tennessee 37020  
1-800-747-8868  
(931) 294-4111

**References**

Fahy, Rita F. (2010). U.S. Fire Service Fatalities in Structure Fires, 1977-2009. Quincy, MA: NFPA  
IAFC, ISFSI, NFPA. (2012). Live Fire Training Principles and Practices. Sudbury, MA: Jones and Bartlett Learning, LLC.  
National Fire Fighter Near-Miss Reporting System. [www.firefighternearmiss.com](http://www.firefighternearmiss.com) [2].  
NFPA. (2012). NFPA 1403, Standard on Live Fire Training Evolutions. Quincy, MA: NFPA

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**Links:**

[1] <http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1403>  
[2] <http://www.firefighternearmiss.com>

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