

**ADOPTED REGULATION OF
THE STATE FIRE MARSHAL**

LCB File No. R125-13

Effective January 16, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets ~~(omitted material)~~ is material to be omitted.

AUTHORITY: §1, NRS 477.030.

A REGULATION relating to fire protection; revising provisions relating to live fire-training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing regulations, fire departments that provide training to firefighters which involves the use of fire or any device that produces or may be used to produce fire must meet certain safety standards on live fire-training evolutions. (NAC 477.2835)

This regulation requires persons who directly supervise live fire-training evolutions and persons who manage training programs involving live fire-training evolutions to hold a certification from the State Fire Marshal as a Fire Service Instructor at a level II or higher. This regulation also provides that the construction of each structure used for a live fire-training evolution and the evaluation, inspection or modification of any acquired structures that are to be used for live fire-training evolutions must comply with certain safety requirements. Finally, this regulation adopts certain publications by reference.

Section 1. NAC 477.2835 is hereby amended to read as follows:

477.2835 *1.* Fire departments that provide training to firefighters using techniques or exercises which involve the use of fire or any device that produces or may be used to produce fire must follow the requirements set forth in N.F.P.A. Standard 1403 , *as adopted by reference in NAC 477.281*, on live fire-training evolutions.

2. Each person directly supervising a live fire-training evolution and each person managing a training program involving live fire-training evolutions must hold a certification

from the State Fire Marshal as a Fire Service Instructor II or higher, as described in N.F.P.A. Standard 1041, as adopted by reference in subsection 5.

3. The construction of each structure used for a live fire-training evolution must comply with the requirements set forth in N.F.P.A. Standard 1403, as adopted by reference in NAC 477.281, including, without limitation, design oversight and periodic inspection conducted by a person licensed in accordance with the provisions of chapter 625 of NRS who is working within his or her area of expertise.

4. Any evaluation, inspection or modification of an acquired structure that is to be used for a live fire-training evolution must comply with the requirements set forth in N.F.P.A. Standard 1403, as adopted by reference in NAC 477.281.

5. The State Fire Marshal hereby adopts by reference N.F.P.A. Standard 1041, 2012 edition, of the National Fire Code. A copy of the standard may be obtained for the price of \$36.50 from the N.F.P.A. by mail at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471 or at the Internet address <http://www.nfpa.org>.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066**

LCB FILE R125-13

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 477.

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to update the regulations to comply with existing statutory requirements. Nevada Revised Statute (NRS) section 477.030(2)(b) requires the State Fire Marshal to adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of safety in the conduct of live fire training activities as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Fire Marshal Division (NSFM), http://fire.nv.gov/Boards/Board_FS/, mailed to all county libraries in Nevada and posted at the following locations:

Board of Architecture Interior Design and Residential Design, 2080 E. Flamingo Rd., #120, Las Vegas, NV 89119
Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Reno, NV 89502
Carson City Fire Department, 777 South Stewart Street, Carson City, NV 89701
Central Lyon County Fire Department, 231 Corral Drive, Dayton, NV 89403
Clark County Fire Department, 575 East Flamingo Road, Las Vegas, NV 89119
Clark County Fire Department Training Center, 4425 West Tropicana Avenue, Las Vegas, NV 89103
Department of Public Safety, 500 Wright Way, Carson City, NV
East Fork Fire & Paramedic District, 1694 County Road, Minden, NV 89423
Elko Fire Department, 911 West Idaho Street, Elko, NV 89801
Ely Fire Department, 1780 Great Basin Blvd., Ely, NV 89301
Henderson Fire Department, 223 Lead Street, #141, Henderson, NV 89826
Las Vegas Fire and Rescue, 500 North Casino Center Blvd., Las Vegas, NV 89101
Nevada State Library, 100 South Stewart Street, Carson City, NV
Reno Fire Department, 1 East First Street, Reno, NV 89501
Sparks Fire Department, 1605 Victorian Avenue, Sparks, NV 89431
State Fire Marshal Division, 107 Jacobsen Way, Carson City, NV
State Fire Marshal Division, 215 E. Bonanza, Las Vegas, NV
State Fire Marshal Division, 3920 E. Idaho Street, Elko, NV

A public workshop was held on July 9, 2014, and the minutes of that workshop are attached hereto. During the course of the public workshop, the State Fire Marshal informed those in attendance that a typographical error had been found in the first draft of the regulation that affected which National Fire Protection Association standard was to be adopted. The correct

standard was provided and the draft regulations were amended accordingly. There were no public comments or input regarding the draft regulation during the public workshop. Thereafter, on or about November 17, 2014, the State Fire Marshal issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendment from the July 9th workshop.

A public hearing was held on December 17, 2014, and the minutes of that hearing are attached hereto. At that hearing Bob Shreihans, a battalion chief representing the Carson City Fire Department, Carson City, Nevada, asked a question. His question regarded the definition and scope of the term “live fire training.” Satisfied that the explicit definition in the referenced standard would pertain only to interior live-fire training of fire-fighting personnel and would not pertain to such activities as fire extinguisher pan fires or conduct of fire investigations, Chief Shreihans testified in support of the proposed regulation.

A copy of this summary of the public response to the proposed regulation may be obtained from the State Fire Marshal Division, 107 Jacobsen Way, Carson City, Nevada 89701, 775-684-7525, or email to djohnston@dps.state.nv.us.

3. The number persons who:

(a) Attended each hearing: July 9, 2014 – 21; December 17, 2014: 26

(b) Testified at each hearing: July 9, 2014 – 0; December 17, 2014: 1

(c) Submitted to the agency written comments: No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency:

Attached as Exhibit A.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Private businesses are not affected by this regulation. Comments were solicited from affected local fire departments and fire districts in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on December 17, 2014 and included the single change noted at the public workshop held on July 9, 2014. No other changes were suggested, no opposition to the regulation was offered.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

The proposed regulation does not affect private business, therefore, there is no economic effect on business in the state. The proposed regulation will require local fire departments comply with nationally recognized standards for safety of personnel and design of live fire-training structures.

(a) Both adverse and beneficial effects:

Adverse effect: Fire departments will be required to comply with adopted standards for the safety of personnel in the conduct of live fire-training exercises. The design of live fire-training structures, either purpose-built or acquired, will require review by an appropriately licensed professional engineer in accordance with nationally recognized standards and NRS Chapter 625.

Beneficial effect: The safety of fire suppression personnel will be enhanced by following nationally recognized safety standards. Local governments will have greater liability protection by following nationally recognized safety standards if personnel are injured during live fire-training exercises.

(b) Both immediate and long-term effects:

Immediate effect: The new safety standards will become effective immediately upon approval of this regulation and all personnel involved with live fire-training activities will be accountable to a minimum level of safety applied on a national level.

Long-term effect: An overall reduction in the number of burn injuries to personnel participating in live fire-training activities is anticipated.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No existing fees apply to this activity. This regulation does not provide a new fee or increase an existing fee.

TO VIEW EXHIBITS, PLEASE SEE THE COPY OF THE REGULATION FILED WITH THE SOS OR STATE LIBRARY AND ARCHIVES AFTER APPROVAL BY THE LEGISLATIVE COMMISSION.