

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R125-13

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Public Hearing
for the Amendment of Regulations of the
State Fire Marshal**

The State Fire Marshal will hold public hearings at the following locations on December 17, 2014 at 9:00 am:

**PUBLIC HEARING
CARSON CITY
University of Nevada Cooperative Extension
2621 Northgate Lane, Suite 12
Carson City, NV**

**PUBLIC HEARING
LAS VEGAS
8050 Paradise Road
Life Long Learning Center Room A
Las Vegas, NV**

**PUBLIC HEARING
ELKO
Great Basin College
1500 College Parkway
High Tech Center Building, Room 137
Elko, NV**

Video conferencing will be provided to all location sites above.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of proposed amendments to regulations (LCB File No. R125-13), that pertains to Chapter 477 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

NRS 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. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

The proposed regulation will address the qualifications of persons conducting or managing live fire-training of firefighters in the state, the qualifications of persons designing live fire-training structures and providing for the review by qualified persons of acquired structures to be used in live fire-training evolutions following nationally recognized standards.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in 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.

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.

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.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There are no known additional enforcement costs to the Division.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There is no known overlap or duplication related to this regulation.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

Not required by federal law.

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

There are no federal standards that apply in this circumstance.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not establish a fee. No existing fees apply to this activity. No existing fees are increased.

Persons wishing to comment upon the proposed action of the State Fire Marshal may appear at the scheduled public hearing and/or may address their comments, data, views, or arguments in written form to:

Denesa Johnston, Administrative Assistant
djohnston@dps.state.nv.us
Nevada State Fire Marshal Division
107 Jacobsen Way
Carson City, NV 89711

Written comments, data, views, or arguments must be received by the State Fire Marshal Division by 1pm on Friday, December 12, 2014, in order to be considered. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Fire Marshal may proceed immediately to act upon any written submissions.

Members of the public who are disabled and require accommodations or assistance at the meeting are requested to notify Denesa Johnston at the Nevada State Fire Marshal Division in writing or by calling 775-684-7525 no later than five working days prior to the meeting.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the following offices of the State Fire Marshal, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours:

Nevada State Fire Marshal Division offices are located at:

107 Jacobsen Way
Carson City, Nevada

3920 E Idaho Street
Elko, Nevada

215 E Bonanza Road
Las Vegas, Nevada

and at the Nevada State Fire Marshal's website: <http://fire.nv.gov>

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice and regulation has been faxed, emailed or delivered for posting at the following locations:

Nevada State Public Works Board	Carson City, NV
Nevada State Board of Professional Engineers and Land Surveyors	Reno, NV
Nevada Board of Architecture	Las Vegas, NV
Reno Fire Department	Reno, NV
Sparks Fire Department	Sparks, NV
Carson City Fire Department	Carson City, NV
Clark County Fire Department	Las Vegas, NV
Las Vegas Fire/Rescue	Las Vegas, NV
Henderson Fire Department	Henderson, NV
North Las Vegas Fire Department	North Las Vegas, NV

Carson City Library	Carson City, NV
Churchill County Library	Fallon, NV
Las Vegas-Clark County Library Dist.	Las Vegas NV
Douglas County Library	Minden, NV
Elko County Library	Elko, NV
Esmeralda County Library	Goldfield, NV
Eureka County Library	Eureka, NV
Humboldt County Library	Winnemucca, NV
Battle Mountain Branch Library (Lander Cnty)	Battle Mountain, NV
Lincoln County Library	Pioche, NV
Lyon County Library System	Yerington, NV
Mineral County Public Library	Hawthorne, NV
Pershing County Library	Lovelock, NV
Storey County Public Library	
c/o Storey County Treasurers & Clerk's Office	Virginia City, NV
Tonopah Public Library (Nye County)	Tonopah, NV
Washoe County Library System	Reno, NV
White Pine County Library	Ely, NV

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R125-13

Small Business Impact Statement

Pursuant to NRS 233B.0609(1), the State Fire Marshal is required to make a determination whether its proposed regulations will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines a small business to be any business that employs 150 or fewer employees.

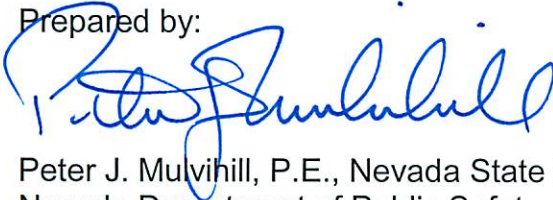
The State Fire Marshal has considered the two factors in NRS 233B.0608(1) and has determined that a Small Business Impact Statement is not required pursuant to NRS 233B.0609 based upon the following:

1. The State Fire Marshal was statutorily directed in NRS 477.030(2)(b) to create regulations regarding the safety of fire department personnel involved in live fire-training exercises.
2. The amended regulation will only apply to fire departments and will not apply to private businesses.

Therefore, the State Fire Marshal makes the following finding:

1. The proposed regulation will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation, or expansion of small business.

Prepared by:



Peter J. Mulvihill, P.E., Nevada State Fire Marshal
Nevada Department of Public Safety
State Fire Marshal Division
107 Jacobsen Way
Carson City, NV 89711

**REVISED PROPOSED REGULATION OF
THE STATE FIRE MARSHAL**

LCB File No. R125-13

August 27, 2014

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>.