

## FINAL STATEMENT OF REASONS (FSOR)

### CALIFORNIA CODE OF REGULATIONS TITLE 19, PUBLIC SAFETY DIVISION 1, STATE FIRE MARSHAL CHAPTER 13

#### FEE INCREASE ADJUSTMENT

#### UPDATE OF INITIAL STATEMENT OF REASONS

The Office of the State Fire Marshal (SFM) has considered all relevant matters presented to it, has amended the Initial Statement of Reasons and recommends approval of the proposed regulatory action.

#### PURPOSE AND NECESSITY UPDATES

On Page 7 of the ISOR, additional language has been added to the Necessity Statement for Section 1990.00 (a) Forms as follows:

**Section 1990.00. (a) Forms** is proposed to update new and existing forms reflective of standardized business practices.

**Necessity:** Changes to forms are reflective of procedural changes regarding adjustments to noted State Fire Training fees; adds two new forms for Firefighter 1 and Firefighter 2 (2019), rennumbers the section and adds revision date on forms to “July 2020”. The changes to the listed Forms align with the proposed fee introductions and adjustments as reviewed and approved by the Statewide Training and Education Advisory Committee and State Board of Fire Services, respectively.

With the introduction of the Fire Fighter 1 and Fire Fighter 2 (2019) curriculum, there exists an overlap in user fees and existing forms that is dependent upon the version utilized by certification applicants and the Accredited Academy.

The Fire Fighter 1 (2013) and Fire Fighter 2 (2013) certification fees and forms will expire December 31, 2021, making them accessible for use until that date. This allows ample time for candidates engaged in this retiring curriculum to complete their processes and for Accredited Academy instructional development and administrative procedural transition. The Fire Fighter 1 (2019) and Fire Fighter 2 (2019) curriculum is available now.

On Page 10 of the ISOR, additional language has been added to the Necessity statement for Sections 1990.07 and 1990.10 as follows:

**Section 1990.07. Accountability** has been edited to reflect current business practice and appropriate designation titles while correcting a minor punctuation error.

**Necessity:** Registered Instructors, Registered Lead Evaluators, Registered Skills Evaluators, Accredited Facilities, and Host Facilities have been capitalized throughout to reflect SFT terminology and title usage. In subsection (a), “accredited facilities” has been relocated within the same sentence and capitalized for document uniformity. An oxford comma has been added to subsection (a) between “Assistant State Fire Marshal” and “State Fire Marshal” for correct grammar. The editorial changes reflected here do not reflect any change to the responsible parties affected by this language. The individual parties and facilities maintain existing accountability responsibility.

**Section 1990.10. Reinstatement** has been edited to reflect current business practice and appropriate designation titles.

**Necessity:** Registered Instructor and Accredited Facility have been capitalized throughout to reflect SFT terminology and title usage. Lead Skills Evaluator, Skills Evaluator, and Host Agency was added to section so clarify how they can become reinstated. Reference sections were added to the “Note” that the SFM statutes implement, interpret or make specific. The editorial changes reflected here do not reflect any change to the responsible parties affected by this language. The individual parties and facilities maintain existing reinstatement process adherence and responsibility.

On Page 10 of the ISOR, additional language has been added to the Necessity Statement for Section 1990.12(c) as follows:

**Section 1990.12. (c) Other Fees** is proposed to provide clarity and expand SFT incorporated fees reflective of current curriculum and business processes.

**Necessity:** For ease of use, this subsection has been added for those seeking information regarding otherwise non-categorized fees. The header has been amended to remove “Certification Exam” and add “Other,” to read “Other Fees.” This is done for inclusivity and clarity for the user.

The following has been relocated to Section 1990.12(g) “Accredited Academy Fees” for clarity and ease of use: “Fire Fighter 1 and 2 Exam Registration and Certification (2019 Curriculum)” with its \$150.00 fee, “Fire Fighter 2 Exam Registration (2019 Curriculum)” with its \$75.00 fee, “Wildland Fire Fighter 2 Exam Registration (2019 Curriculum)” with its \$75.00 fee, “Wildland Fire Fighter 2 Certification (2019 Curriculum)” with its \$75.00 fee, “Fire Fighter 1 Psychomotor Exam Registration: Modular Registration (2013 Curriculum)” with its pricing “\$10.00 per module,” “Fire Fighter 1 Psychomotor Exam Registration: Consecutive and Integrated Registration (2013 Curriculum) with its pricing “\$10.00 per retake,” and “Fire Fighter 1 Psychomotor Exam Retake Registration (2013 Curriculum)” with its pricing “\$10.00 per retake.”

The following have been added to this section for cost recovery of associated business practices and processing. “Instructor Registration (maximum of three course registrations)” has been added with a fee of \$125.00. Individuals seeking Instructor Registration will pay a separate \$125.00 fee per every three courses registered. Additional courses may be included on the same form with supplemental fees paid.

“Rescue Systems Site Accreditation” has been added with a fee of \$250.00. “Official Transcript” has been added with a fee of \$100.00. “Duplicate Certification” has been added with a fee of \$100.00.

### **PUBLIC COMMENT PERIODS**

The SFM made available to the public a 45-day written comment period for the proposed regulation from April 10, 2020, through May 26, 2020. A public hearing was held on June 5, 2020 to hear oral testimony and take comments. Following the close of the 45-day public comment period, there were no changes made to the text of the proposed regulation and there were no further comment periods.

### **SUMMARY OF EFFECT OF PROPOSED REGULATIONS**

These regulations will implement training fee requirements and standards for the implementation of the California Fire Service Training and Education Program Act and the California Fire and Arson Training Fund Act (CFAT). These regulations will also impact the California Fire Service and related stakeholders by administering a voluntary certification training system for all position levels of the California Fire Service. This regulatory proposal clarifies and updates the training requirements in California and those documents incorporated by reference.

### **TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDIES OR REPORTS**

The SFM did not rely on any technical, theoretical and/or empirical studies, report or document in the development of this rulemaking beyond that previously identified in the Initial Statement of Reasons.

### **INCORPORATION BY REFERENCE DOCUMENTS - FORMS**

The proposed regulations in Section 1990.00(a) incorporate by reference the following administrative forms consisting of the following documents:

1. Fee Schedule (July 2020)
2. Instructor Registration Application (July 2020)
3. Request for Course Scheduling (July 2020)
4. Certification Examination (2019) Request (July 2020)
5. Fire Fighter I (2019) Certification Upgrade Application (July 2020)
6. Fire Fighter I (2019) Certification Reciprocity Application (July 2020)

The following CTS Guides based on National Fire Protection Association (NFPA) Standards are incorporated by reference and added to the text of the proposed regulations in Section 1990.01:

7. Fire Fighter 1 (2019)
8. Fire Fighter 2 (2019)
9. Fire Inspector 1 (2014)
10. Fire Inspector 2 (2014)

Any forms or standards incorporated by reference in this action are formal publications reasonably available from a commonly known source, were available from the Office of the State Fire Marshal (OSFM) at any time during the rulemaking action and were also available on the OSFM website or from the OSFM at any time during the rulemaking action. Neither the forms nor standards incorporated by reference in this action will be printed in the California Code of Regulations because to do so would be cumbersome, unduly expensive, and otherwise impractical.

### **ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS**

The State Fire Marshal has determined that the proposed regulations have no substantial effect to small business. The State Fire Marshal has not identified any alternatives that would lessen any adverse impact on small business and still allow the State Fire Marshal to effectively enforce the regulations. No viable alternatives were proposed to lessen any adverse economic impact on small business.

### **CONSIDERATION OF ALTERNATIVES**

The SFM has determined that no reasonable alternatives it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action described in the Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This conclusion is based on the SFM determination that the proposed action is necessary to implement the use of National Fire Protection Association's (NFPA) Professional Qualifications Standards as a baseline for certifications and courses as directed through the California State Fire Training and Education Strategic Plan (Blueprint 2020).

### **ALTERNATIVES TO THE REGULATION**

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

1. Suspend fee adjustment for a period of two years. This alternative was rejected because the proposed fees are inclusive of all cost-based processes for program continuation and sustainability. The Fee Report was conducted with consideration of all cost-based business processes. This research designated appropriate fees based on processing costs and time. No change to text will be made as change(s) to specific fees is deemed appropriate and a delayed implementation is not feasible for program sustainability.
2. Maintain the current fee structure for course completion diplomas. This alternative was rejected as the Fee Report research designated appropriate fees based on processing costs and staff time, inclusive of all cost-based business processes. CFSTES and FSTEP course completion diplomas garner

much of the business practices within SFT and are thus in need of revenue sourcing.

3. Implement a nominal increase of 12 percent for course completion diplomas. This alternative was rejected as the Fee Report research designated appropriate fees based on processing costs and staff time, inclusive of all cost-based business processes. CFSTES and FSTEP course completion diplomas garner much of the business practices within SFT and are thus in need of revenue sourcing.
4. Streamline online course delivery approval process. This alternative was rejected as State Fire Training already provides for CFSTES and FSTEP Distance Education course delivery, as appropriate. All Accredited Regional Training Programs and Accredited Local Academies within the SFT system are provided the opportunity for electronic and/or hybrid course delivery. This process exists in-place for enhanced student attendance and access.
5. Reconsider course proposed fees. This alternative was rejected because the proposed fees are inclusive of all cost-based processes for program continuation and sustainability. The Fee Report was conducted with consideration of all cost-based business processes. This research designated appropriate fees based on processing costs and time. No change to text will be made as change(s) to specific fees is deemed appropriate and a delayed implementation is not feasible for program sustainability.
6. Create a multi-tiered fee structure to accommodate volunteer fires service members in the State, utilizing the existing fee schedule, with paid-call and career members transitioning to the newly proposed fee schedule. This alternative is rejected as training courses and curriculum is universal for all members of the California fire service. Training is standardized for all participants. A multi-tiered fee structure for identical training courses and deliveries is not feasible or sustainable.
7. Phase in the fee increases over several years. This alternative is rejected as the Fee Adjustment was introduced in 2016 with review and approved in 2019 by the Statewide Training and Education Advisory Committee and State Board of Fire Services. The last changes to fees occurred in 2008. The proposed phased implementation or delayed implementation is not feasible or cost-effective for system sustainability.

### **ALTERNATIVES DETERMINATION**

The State Fire Marshal has thoroughly reviewed this proposed regulatory action, including both the positive and negative impacts it will place upon the industry. No

alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose for which the action is proposed nor would they be as effective. They also would not be less burdensome to affected private persons or businesses than the proposed action, nor would they be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

### **LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts.

### **COORDINATION WITH FEDERAL LAW**

The SFM has determined that this proposed regulatory action neither conflicts with, nor duplicates, any applicable federal regulation contained in the Code of Federal Regulations. There have been no changes in applicable laws related to the proposed action or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

### **SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD FROM APRIL 10, 2020, THROUGH MAY 26, 2020.**

The SFM received public comments from ten (10) individuals in response to the initial notice:

#### **1. Aaron Doss, Fire Apparatus Engineer, CAL FIRE**

**Comment #1: State Fire Training Fee Adjustment, general.** The summary of the comment is the personal objection to the fee increase.

**Response:** The Department acknowledges and thanks Mr. Doss for the comment, however, the Department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate.

#### **2. Justin Stockman, Half Moon Bay, CA**

**Comment #2: State Fire Training Fee Adjustment, general.** The summary of the comment is the unfortunate timeliness of the regulatory package coinciding with COVID-19 with a request for delayed comment consideration.

**Response:** The Department acknowledges and thanks Mr. Stockman for the comment, however, the department is not making any changes in response to this comment. The proposed Fee Adjustment was initially discussed at the July 2018 Statewide Training and Education Advisory Committee (STEAC) meeting. The proposed fees were then publicized in Spring 2019 STEAC meeting and approved by the STEAC in August 2019. All stakeholders and system participants were informed of the proposed regulatory change with ample

opportunity to provide feedback prior to COVID-19.

### 3. Jerome Hathaway, CA

**Comment #3: State Fire Training Fee Adjustment, general.** The summary of the comment is the unfortunate timeliness of the regulatory package coinciding with COVID-19 with a request for delayed comment consideration. The comment further notes the undue cost that will be assumed by private entities and students.

**Response:** The Department acknowledges and thanks Mr. Hathaway for the comment, however, the department is not making any changes in response to this comment. The proposed Fee Adjustment was initially discussed at the July 2018 Statewide Training and Education Advisory Committee (STEAC) meeting. The proposed fees were then publicized in Spring 2019 STEAC meeting and approved by the STEAC in July 2019 and State Board of Fire Services (SBFS) August 2019. All stakeholders and system participants were informed of the proposed regulatory change with ample opportunity to provide feedback prior to COVID-19. State Fire Training remains a voluntary system in which no one is required or obligated to participate.

**Regarding Alternative #1,** the Fee Adjustment was reviewed and approved in 2019 by STEAC and SBFS. The last change to fees occurred in 2008.

Therefore, the proposed implementation delay of two (2) years is not feasible for system sustainability.

**Regarding Alternative #2,** the Fee Report conducted was inclusive of all cost-based business processes. This research designated appropriate fees based on processing costs and time. No change to text will be made as change(s) to specific fees is deemed appropriate.

**Regarding Alternative #3,** the Fee Report conducted was inclusive of all cost-based business processes. Financial study provided the percentage increases, as appropriate, based on these findings.

**Regarding Alternative #4,** distance learning education is limited to specific and approved curriculum and institutions, and does not encompass, nor allow, for universal delivery.

### 4. Walt Holloway, Public Safety Academy-Fire Training Coordinator, College of the Desert

**Comment #4: State Fire Training Fee Adjustment, general.** The summary of the comment is to eliminate the course "Processing Fee" as documents are now fully electronically submitted.

**Response:** The Department acknowledges and thanks Mr. Holloway for the comment. The Department agrees with the comment and this was already implemented in the proposed fee adjustment State Fire Training's business practices. The document incorporated by reference titled, "Course Scheduling Request form" reflects removal of the \$8.00 processing fee.

## 5. Matt Jewett, President, California Fire Technology Directors Association

**Comment #5: State Fire Training Fee Adjustment, general.** The summary of the comment is the unfortunate timeliness of the regulatory package coinciding with COVID-19 with a request for delayed implementation.

**Response:** The Department acknowledges and thanks Mr. Jewett for the comment, however, the department is not making any changes in response to this comment. The proposed Fee Adjustment was initially discussed at the July 2018 Statewide Training and Education Advisory Committee (STEAC) meeting. The proposed fees were then publicized in Spring 2019 STEAC meeting and approved by the STEAC in August 2019. All stakeholders and system participants were informed of the proposed regulatory change with ample opportunity to provide feedback prior to COVID-19.

## 6. Craig Konklin, Sonora, CA

**Comment #6: State Fire Training Fee Adjustment, general.** The summary of the comment is the objection to the fee increase per its effect on the hired vendor student population. Mr. Konklin noted the FSTEP “Incident Safety Awareness for the Hired Vendor” is a required course for large-scale incident response and incurs an annual mandatory refresher training.

**Response:** The Department acknowledges and thanks Mr. Konklin for the comment, however, the department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

## 7. Eric Carleson, Executive Director, Associated California Loggers

**Comment #7: State Fire Training Fee Adjustment, general.** The summary of the comment is the objection to the fee increase per its effect on the hired vendor student population. Mr. Carleson noted the FSTEP “Incident Safety Awareness for the Hired Vendor” is a required course for large-scale incident response and incurs an annual mandatory refresher training.

**Response:** The Department acknowledges and thanks Mr. Carleson for the comment, however, the department is not making any changes to the text in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be



valid for two years.

## **8. Bill Fullerton, President, Motherlode Interagency Training Officers Association**

**Comment #8:** State Fire Training Fee Adjustment, general. The summary of the comment is the objection to the fee increase per its effect on unpaid and/or partial paid fire agencies. Mr. Fullerton noted the affordability of SFT courses will become challenging for this demographic.

**Response:** The Department acknowledges and thanks Mr. Fullerton for the comment, however, the department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. SFT course plans are available online free of charge for training purposes.

**Regarding Alternative #1,** the Fee Report conducted was inclusive of all cost-based business processes. This research designated appropriate fees based on processing costs and time. No change to text will be made as change(s) to specific fees is deemed appropriate.

**Regarding Alternative #2,** a multi-tiered fee structure for identical training systems is not feasible nor sustainable. Training courses and curriculum is universal for all members of the California fire service.

**Regarding Alternative #3,** the Fee Adjustment was reviewed and approved in 2019 by STEAC and SBFS. The last change to fees occurred in 2008. Therefore, the proposed phased implementation or delayed implementation is not feasible for system sustainability.

## **9. Dave and Autumn Brandon, Owners, North Zone Fallers, Inc.**

**Comment:** The summary of the comment is the objection to the fee increase per its effect on the hired vendor student population. It is noted the FSTEP “Incident Safety Awareness for the Hired Vendor” is a required course for large-scale incident response and incurs an annual mandatory refresher training.

The author notified SFT that the provided text exhibited a typographical error in which course “RT-130” was written, with “Incident Safety for the Hired Vendor” being the intended reference.

**Response:** The Department acknowledges and thanks Dave and Autumn Brandon for the comment, however, the department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis.

In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years. Regarding the typographical error, for the purposes of the regulation, “RT-130”

has been replaced by “Incident Safety Awareness for the Hired Vendor” in consideration. The commenter referenced the incorrect course in their comment.

**10. Keith Cantrell, Battalion Chief, Copperopolis Fire Protection District**

**Comment:** The summary of the comment is the objection to the fee increase per its effect on the hired vendor student population. Mr. Carlson noted the FSTEP “Incident Safety Awareness for the Hired Vendor” is a required course for large-scale incident response and incurs an annual mandatory refresher training.

**Response:** The Department acknowledges and thanks Mr. Cantrell for the comment, however, the department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE PUBLIC HEARING ON JUNE 5, 2020.**

The SFM received comments from five (5) individuals at the public hearing on June 5, 2020, on the proposed regulations as originally noticed.

**1. David Trussell, Susanville, CA**

**Comment:** The summary of the comment is the objection to the fee increase per its effect on the hired vendor student population. Mr. Trussell noted the FSTEP “Incident Safety Awareness for the Hired Vendor” is a required course for large-scale incident response and incurs an annual mandatory refresher training.

**Response:** The Department acknowledges and thanks Mr. Trussell for the comment, however, the department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

**2. William Todd, Valley Springs, CA**

**Comment #1: State Fire Training Fee Adjustment, general.** The summary of

the comment is the personal objection to the fee increase. The comment further notes the undue cost that will be assumed by private entities and students.

Item #1, stricken from provided documentation by speaker.

Item #2, objection to rulemaking mandate on local agencies and school districts.

Item #3, objection to rulemaking non-discretionary costs or savings imposed upon local agencies.

Item #4, objection to rulemaking adverse economic impact affecting business and business in other states.

Item #5, objection to rulemaking cost impact that a representative private person or business would incur in compliance with the proposed action.

Item #6, objection to rulemaking effect on small business profitability.

Item #7, objection to rulemaking language identifying provision of emergency worker protection through training.

Item #8-13, addressed concerns from the July 2019 Statewide Training and Education Advisory Committee (STEAC) meeting minutes regarding Fee Adjustment on community colleges, student impact, program sustainability, and budgetary solutions.

**Response:** The Department acknowledges and thanks Mr. Todd for the comment, however, the department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. The proposed Fee Adjustment was initially publicized in Spring 2019 and approved by the Statewide Training and Education Advisory Committee (STEAC) in August 2019. All stakeholders and system participants were informed of the proposed regulatory change with ample opportunity to provide feedback.

Regarding Item #2: The Department will not be making any changes to text regarding this comment. Health and Safety Code (HSC) section 13159(a) directs the State Fire Marshal to "...make the fire service training and education programs, including training and education in the use of heavy rescue equipment, available on a voluntary basis to fire departments that rely on extensively on volunteers." State Fire Training remains a voluntary system in which no one is required or obligated to participate. Individual entities identify employment requirements which may include State Fire Training course completion diplomas. This is not a statewide mandate.

Regarding Item #3: The Department will not be making any changes to text regarding this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Individual entities identify employment requirements which may include State Fire Training course completion diplomas. This is not a statewide mandate.

Regarding Item #4: The Department will not be making any changes to text regarding this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a

voluntary basis. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

Regarding Item #5: The Department will not be making any changes to text regarding this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Individual entities identify employment requirements which may include State Fire Training course completion diplomas. This is not a statewide mandate.

Regarding Item #6: The Department will not be making any changes to text regarding this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate.

Regarding Item #7: The Department will not be making any changes to text regarding this comment.

Regarding Item #8-13:

The HSC sections 13157, 13159.4, and 13159.8 directs the State Fire Marshal to manage the California Fire Service Training and Education Program and to collect fees for implement and manage the system. HSC 13157 states that these fees shall not be deducted from state appropriations for the purposes of this program.

### **3. Craig Konklin, Sonoma, CA**

**Comment #1: State Fire Training Fee Adjustment, general.** The summary of the comment is the personal objection to the fee increase. The comment further notes the undue cost that will be assumed by private entities and students.

Item #1, request for clarification regarding written appeals process to proposed rulemaking.

Item #2, objection to cost impact language concerning private persons or business and reasonable compliance.

Item #3, objection to rulemaking adverse economic impact affecting business and business in other states.

Item #4, objection to rulemaking adverse economic impact affecting business and business in other states.

Item #5, proposed alternative to waive the course fees associated with the Incident Safety Awareness for the Hired Vendor course.

Item #6, proposed alternative to explore program funding and budgetary solutions separate from user fee increases.

**Response:** The Department acknowledges and thanks Mr. Konklin for the comment, however, the department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate.

Regarding Item #1: The HSC sections 13157, 13159.4, and 13159.8 directs the State Fire Marshal to manage the California Fire Service Training and Education Program and to collect fees for implement and manage the system. HSC 13157 states that these fees shall not be deducted from state appropriations for the

purposes of this program. This regulation package is the revised fee schedule for SFT to manage and implement the California Fire Service Training and Education Program.

Regarding Item #2: The Department will not be making any changes to text regarding this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

Regarding #3 and #4: The Department will not be making any changes to text regarding this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Individual entities identify employment requirements which may include State Fire Training course completion diplomas. This is not a statewide mandate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

Regarding Item #5: The Department will not be making any changes to text regarding this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. This is not a statewide mandate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis. Any decrease to the hired equipment course would increase the cost to other system users. The proposed fees were established using the activity-based costing system, which established utilizes a cost-based fee model. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

Regarding Item #6: The Department will not be making any changes to text regarding this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. The Fee Report conducted was inclusive of all cost-based business processes. This research designated appropriate fees based on processing costs and time. The Fee Adjustment was reviewed and approved in 2019 by STEAC and SBFS. The last change to fees occurred in 2008.

HSC Section 13157(d) directs the State Fire Marshal to, "Establish and collect admission fees and other fees that may be necessary to be charged for seminars, conferences, and specialized training given, which shall not be deducted from state appropriations for the purposes of this program." HSC Section 13159.8(e) further directs SFM to, "Establish any fees which are necessary to implement this section." Per statute, State Fire Training is a fee based system, paid for by users. The proposed fees were set using a cost for

service model.

#### **4. Eric Carleson, Executive Director, Associated California Loggers**

**Comment #1: State Fire Training Fee Adjustment, general.** The summary of the comment is the objection to the fee increase per its effect on the hired vendor student population. Mr. Carlson noted the FSTEP “Incident Safety Awareness for the Hired Vendor” is a required course for large-scale incident response and incurs an annual mandatory refresher training. Mr. Carleson spoke to the unfortunate timeliness of the regulatory package coinciding with COVID-19.

**Response:** The Department acknowledges and thanks Mr. Carleson for the comment, however, the department is not making any changes in response to this comment. The proposed Fee Adjustment was initially publicized in Spring 2019 and approved by the Statewide Training and Education Advisory Committee (STEAC) in July 2019 and State Board of Fire Services (SBFS) August 2019. All stakeholders and system participants were informed of the proposed regulatory change with ample opportunity to provide feedback prior to COVID-19. State Fire Training remains a voluntary system in which no one is required or obligated to participate.

Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis. In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

#### **5. Dave and Autumn Branson, Owners, North Zone Fallers, Inc.**

**Comment:** This comment was provided during the Public Comment period and again prior to the Public Hearing with request for inclusion in their absence.

The summary of the comment is the objection to the fee increase per its effect on the hired vendor student population. It is noted the FSTEP “Incident Safety Awareness for the Hired Vendor” is a required course for large-scale incident response and incurs an annual mandatory refresher training.

The author notified SFT that the provided text exhibited a typographical error in which course “RT-130” was written, with “Incident Safety for the Hired Vendor” being the intended reference.

**Response:** The Department acknowledges and thanks Dave and Autumn Brandon for the comment, however, the department is not making any changes in response to this comment. State Fire Training remains a voluntary system in which no one is required or obligated to participate. Hired vendors wishing to participate in large-scale incident response do so on a voluntary for-hire basis and are not mandated to respond. This course is thereby attended on a voluntary basis.

In March 2020, CAL FIRE temporarily modified its annual course attendance requirement, due to COVID-19, to allow the course to be valid for two years.

Regarding the typographical error, for the purposes of the regulation, “RT-130” has been replaced by “Incident Safety Awareness for the Hired Vendor” in consideration. The commenter referenced the incorrect course in their comment.