

Rules and Regulations Concerning the Hazardous Materials Responder Voluntary Certification Program



This document is an informal computer-generated version of the regulatory text of the final Rules and Regulations Concerning the Hazardous Materials Responder Voluntary Certification Program, the official version of which was published at 8 CCR 1507-10 (April 17, 1998), with an effective date of June 1, 1998. The authority for this regulation is §24-33.5-1403 (1) (a) and (d), Colorado Revised Statutes.

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SECTION 1
INTRODUCTION AND BACKGROUND INFORMATION

The “Hazardous Materials Responder Voluntary Certification Program” was created by HB89-1223 which was enacted effective July 1, 1989. The general purpose of the certification program is to measure the level of knowledge, skills and abilities possessed by responders to hazardous materials incidents and to attest that these individuals meet nationally recognized standards. These competency based standards permit evaluation of training programs and promotes uniformity in hazardous materials responder training.

The Colorado Materials Responder Certification Program is a voluntary program, meaning that there is no statutory requirement that hazardous materials responders become certified. The certification program establishes a means to judge the proficiency of hazardous materials responders, irrespective of their organizational affiliation and regardless of whether they are career or volunteer.

Hazardous Materials Responder Certification Program Advisory Board

CRS 24-33.5, Part 14 creates the Hazardous Materials Responder Certification Advisory Board, the general purpose of which is to:

- Establish a hazardous materials responder voluntary certification program and to set minimum standards for the training of such responders and for the instructors;
- Establish procedures for determining if hazardous materials responders meet these minimum standards;
- Certify applicants who meet the established minimum standards; and.
- Ensure the quality and uniformity of the certification program and any training program established.

The Hazardous Materials Responder Certification Board is comprised of seven members appointed by the Governor. One member of the Advisory Board shall be from each of the following:

- Fire chief from a municipality or special district;
- Hazardous materials team leader;
- Transportation industry;
- Private industry fixed-site facility;
- Local government law enforcement agency;
- Colorado State Patrol; and
- Emergency Medical Services.

Additionally, no more than three members shall be from the Denver metropolitan area and at least two members shall be residents of the western slope.

SECTION 2
PURPOSE AND AUTHORITY FOR ESTABLISHING RULES

2.1 Purpose and Objectives

2.1.1 To establish and promulgate professional Hazardous Materials Response in Colorado.

2.1.2 To improve the performance and coordination of hazardous materials response through the development of minimum performance requirements for all applicants.

2.1.3 To develop more competent and reliable hazardous materials responders by establishing minimum training standards within the emergency services agencies to ensure that hazardous material responders meet minimum competency standards within the State of Colorado.

2.1.4 To establish and maintain a uniform testing and review system, that insures certification for all applicants who satisfactorily fulfill qualification requirements as adopted by the Board.

2.1.5 To establish and implement a voluntary certification program that will insure complete impartiality and confidentiality and that it will be designed in such a manner that will safeguard against misuse and abuse.

2.2 Authority to Promulgate Rules and Regulations

2.2.1 §24-33.5-1402, CRS, sets forth a seven-person advisory board to the Division of Fire Safety, and §24-33.5-1403, CRS, defines their duties.

2.2.2 The Colorado Division of Fire Safety Hazardous Materials Response Voluntary Certification Advisory Board is authorized by the provisions of §24-33.5-1403 (1) (a) and (d), CRS, to adopt rules and regulations.

2.3 Inquiries

The procedures to certify in the State of Colorado Hazardous Materials Responder Voluntary Certification Program are contained in the following Rules. Questions, clarification, or interpretation of these rules should be addressed in writing to: Colorado Division of Fire Safety, Hazardous Materials Responder Advisory Board, 700 Kipling Street, Suite 1200, Denver, CO 80215. Telephone number: (303) 239-4463.

SECTION 3 **DEFINITIONS**

The definitions provided in §24-33.5-1401, CRS, shall apply to these rules and regulations. The following additional definitions shall also apply:

- 3.1 **ADVISORY BOARD (OR “BOARD”)** - Shall mean members appointed by the Governor to serve on the Division of Fire Safety Hazardous Materials Response Voluntary Certification Advisory Board provided in §24-33.5-1402 (1), CRS
- 3.2 **APPLICANT** - Refers to a person who has satisfied the requirements to be examined for accreditation.
- 3.3 **CERTIFIED** - Shall mean applicants who have met or exceeded cognitive and psychomotor behavioral objectives of the Voluntary Certification Program.
- 3.4 **CERTIFYING AGENCY** - Refers to the Division of Fire Safety, Department of Public Safety, State of Colorado.
- 3.5 **COGNITIVE OBJECTIVE** - Pertinent written questions, lists, or problems relative to the level at which a person is being tested.
- 3.6 **COMPETENCE** - Possessing knowledge, skills and judgment needed to perform indicated objectives satisfactorily.
- 3.7 **CONTINUING EDUCATION TRAINING** - A course of instruction or a self-directed program, extended over a period of three years, which meets the educational requirements for renewal of certification. The emphasis of continuing education training is imparting new or revised information appropriate for the level of certification.

- 3.8 **DIRECTOR** - Shall mean Director of the Division of Fire Safety, Department of Public Safety, State of Colorado.
- 3.9 **DESIGNATED EMERGENCY RESPONSE AUTHORITY (DERA)** - A person designated by the governing body of a town, city, county or city and county by resolution, for the purpose of taking responsibility for the emergency response to a hazardous materials incident occurring within its jurisdiction and for that emergency response which initially occurs within its jurisdiction but which spreads to another jurisdiction. The Colorado State Patrol is the emergency response authority for hazardous materials incidents which occurs on any federal, state or county highway located outside of municipal city limits. The Patrol may delegate such authority to the emergency response authority within the jurisdiction with the approval of the Board of County Commissioners.
- 3.10 **EMERGENCY RESPONSE ORGANIZATION** - Any organization, public or private whose services include the response to releases or potential releases of hazardous substances for the purpose of protecting nearby persons, property or the environment from the effects of the release.
- 3.11 **EMPLOYEE** - Shall mean anyone who may respond to a hazardous materials incident, either career or volunteer, representing the fire service, law enforcement, search and rescue groups, emergency medical services or industry, and governmental agencies.
- 3.12 **EPA** - Shall mean the United States Environmental Protection Agency.
- 3.13 **HAZARDOUS MATERIALS** - For the purpose of these Rules, hazardous material means those substances that, upon release, have the potential of causing harm to people, property, or the environment. This definition includes hazardous materials, hazardous substances and hazardous wastes.
- 3.14 **HAZARDOUS MATERIALS INCIDENT** - A fire involving a hazardous materials, or a release or potential release of a hazardous material that, in the judgment of an emergency response authority, threatens sudden and irreparable harm to the environment or the health and safety of any individual, including those incidents of spilling, dumping or abandonment of a hazardous material, whether or not such spilling, dumping, or abandonment is found to threaten harm, but does not include any discharge of a hazardous materials authorized pursuant to any federal, state, or local law or regulation.

- 3.15 **HAZARDOUS MATERIALS RESPONSE TEAM** - A group of trained response personnel operating under an emergency response plan and appropriate standard operating procedures to control or otherwise minimize or eliminate the hazards to people, property, or the environment from a released hazardous material.
- 3.16 **IFSTA MANUAL** - The appropriate International Fire Service Training Association publication, published by the Fire Protection Publications at Oklahoma State University.
- 3.17 **ISFSI** - The International Society of Fire Service Instructors.
- 3.18 **NFPA** - The National Fire Protection Association.
- 3.19 **NON-CERTIFIED** - Any applicant who does not possess a valid certification certificate recognized by the board.
- 3.20 **OSHA** - The Occupational Safety and Health Administration.
- 3.21 **PSYCHOMOTOR OBJECTIVE** - Actual use or performance, safely and efficiently accomplished and in accordance with procedures and standards established for the Hazardous Materials Response Voluntary Certification Program.
- 3.22 **REFRESHER TRAINING** - A course of instruction, condensed over a short period of time, designed to provide training to individuals for the purpose of preparing them for renewal of certification. The emphasis of refresher training is reinforcement of knowledge, skills and abilities learned in the initial training program.

SECTION 4
ADOPTION OF MATERIAL BY REFERENCE

The following regulations and standards, including all applicable appendices, are adopted by the Director of the Colorado Division of Fire Safety and the Hazardous Materials Responder Advisory Board:

- 4.1 The following federal regulations published by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402. These documents may be ordered from the U.S. Government Bookstore, 1660 Wyncoop Street, Suite 130, Denver, CO 80202.

- 4.1.1 Code of Federal Regulations, Title 49, part 171.8, 1993. U.S. Department of Transportation.
- 4.1.2 29 CFR Part 1910, *Hazardous Waste Operations and Emergency Response, Final Rule*, printed in the Federal Register on March 6, 1990. Occupational Safety and Health Administration.
- 4.1.3 40 CFR Part 311, *Worker Protection Standards for Hazardous Waste Operations and Emergency Response, Final Rule*, printed in the Federal Register on June 23, 1989. U.S. Environmental Protection Agency.
- 4.2 The following standards published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, Telephone: (800) 344-3555. Copies of these standards can be purchased from the National Fire Protection Association at the address shown above.
 - 4.2.1 NFPA Standard 471, *Responding to Hazardous Materials Incidents*, 1997.
 - 4.2.2 NFPA Standard 472, *Professional Competence of Responders to Hazardous Materials Incidents*, 1997.
 - 4.2.3 NFPA Standard 473, *Competencies for EMS Personnel Responding to Hazardous Materials Incidents*, 1997.
 - 4.2.4 NFPA Standard 1000, *Fire Service Professional Qualifications Accreditation and Certification Systems*, 1994.
 - 4.2.5 NFPA Standard 1041, *Fire Service Instructor I Professional Qualifications*, 1996.
- 4.3 All publications, standards or rules adopted and incorporated by reference in these rules are on file and available for public inspection during normal business hours by contacting the Colorado Division of Fire Safety, 700 Kipling Street, Suite 1000, Denver, CO 80215-5865. All publications, standards or rules adopted and incorporated by reference in these rules may also be examined at any state publications depository library. This rule does not include later amendments to, or later editions of, any materials incorporated by reference.
- 4.4 Questions, clarification, or interpretation of any regulation or standard adopted by reference in these rules should be addressed in writing to: Colorado Division of Fire Safety, Hazardous Materials Responder Advisory Board, 700 Kipling Street, Suite 1000, Denver, CO 80215.

SECTION 5
GENERAL REQUIREMENTS FOR CERTIFICATION

- 5.1 To initiate the certification process, the Division must receive a completed *Application and Request for Examination*. The application forms are available from the Division upon request.
- 5.1.1 Experience, training and education credits and/or a combination of these areas may be used to determine eligibility for certification.
- 5.1.2 Written examinations are required for certification at all levels. The Advisory Board shall determine the content of written examinations and shall establish written examination procedures.
- 5.1.3 Psychomotor performance evaluations shall be conducted by a certified instructor or certified proctor.
- 5.1.4 A completed application form signed by the applicant and department head or certified instructor shall serve to document those items specified in 5.1.1 through 5.1.3.
- 5.2 Any incomplete application received by the Division will be returned to the organization.
- 5.3 By signing the application for examination and/or the examination answer sheet, the applicant authorizes the Division to release test results to the applicant's department head or designee.
- 5.4 The organization requesting certification must submit applications and fees a minimum of thirty (30) days prior to the scheduled examination date.
- Exception: When the examination is to be held in conjunction with a state-sponsored hazardous materials training delivery, the application may be completed and the fees paid, at the time of the examination.
- 5.5 The organization requesting certification testing will assume responsibility for setting the location of the examination and coordination of the date and time with the certified instructor or proctor.

- 5.6 The testing material will be made available for the certified instructor or proctor designated by the organization requesting examinations.
- 5.7 Applicants who are unable to attend the examination at the scheduled date and time may reschedule the examination if arrangements are made between the certified instructor or proctor and the Division.
- 5.8 Applicants who receive less than a passing score on their written examinations will be required to retake the entire examination. A minimum thirty (30) day waiting period is required between examination attempts.
- 5.9 If an applicant fails to certify after THREE (3) successive examination attempts, the applicant must satisfactorily complete an approved training program at the level they are testing for and provide the Division a copy of the certificate of completion prior to re-taking the examination.
- 5.10 The Advisory Board maintains the right to assign a Board member or designee to test selected psychomotor behavioral objectives of applicants and to review the applicants training records.
- 5.11 Certification will be awarded for a three (3) year period, unless earlier revoked. Certificates will be issued with the expiration dates of January 1 or July 1, depending on when the applicant is certified.

SECTION 6
CERTIFICATION LEVELS

6.1 FIRST RESPONDER - AWARENESS LEVEL

- 6.1.1 All applicants for the written examination for the First Responder Awareness Level must meet or exceed all competencies required by NFPA Standards, OSHA and EPA Regulations as adopted in Section 4 and/or published by the Colorado Division of Fire Safety and this Board.
- 6.1.2 Applicant must score eighty (80) percent or above on the entire written examination to successfully pass.

6.2 FIRST RESPONDER - OPERATIONS LEVEL

- 6.2.1 All applicants for the written examination for the First Responder Operational level must meet or exceed all competencies required by NFPA Standards, OSHA and EPA Regulations as adopted in Section 4 and/or published by the Colorado Division of Fire Safety and this Board.
- 6.2.2 Applicant must score eighty (80) percent or above on the entire written examination to successfully pass.
- 6.2.3 Applicants must pass a practical examination or assessment of psychomotor skills evaluated by a certified proctor.

6.3 TECHNICIAN LEVEL

- 6.3.1 All applicants for the written examination for the Technician Level must meet or exceed all competencies required by NFPA Standards, OSHA and EPA Regulations as adopted in Section 4 and/or published by the Colorado Division of Fire Safety and this Board.
- 6.3.2 Applicants must be a member of an organized hazardous materials response team in Colorado and must be certified at the First Responder Operational Level.
- 6.3.3 Applicant must score eighty (80) percent or above on the entire written examination to successfully pass.
- 6.3.4 Applicants must pass a practical examination or assessment of psychomotor skills evaluated by a certified proctor.

6.4 INCIDENT COMMANDER

- 6.4.1 All applicants for the written examination for the Commanding the Initial Response Level must meet or exceed all applicable provisions of the NFPA Standards, OSHA and EPA Regulations as adopted in Section 4 and/or published by the Colorado Division of Fire Safety and this Board.
- 6.4.2 Applicants must be certified at, or have knowledge equivalent to, the First Responder-Operations Level.

6.4.3 The Advisory Board shall promulgate guidelines for the implementation of the various levels of incident command certification, including required competencies for each level.

6.4.4 Applicants must score eighty (80) percent or above on the entire written examination to successfully pass.

6.5 EMERGENCY MEDICAL SERVICES / HAZ MAT LEVEL II

6.5.1 All applicants for the written examination for the EMS/HM II Level must meet or exceed all competencies required by NFPA Standards, OSHA and EPA Regulations as adopted in Section 4 and/or published by the Colorado Division of Fire Safety and this Board.

6.5.2 Applicants must be certified at, or have knowledge equivalent to, the First Responder Awareness Level.

6.5.3 Applicants must get a score of eighty (80) percent or above on the entire written examination to successfully pass.

SECTION 7
MINIMUM STANDARDS OF TRAINING

7.1 To be recognized by the Board, the hazardous material training course delivery must meet or exceed the criteria set forth in NFPA 472 Standard, OSHA 1910.120 and/or 40 CFR Part 311 and must include the following minimum number of hours of instruction:

7.1.1 Hazardous Materials First Responder - Awareness

The minimum number of hours of instruction shall be at least equal to the minimum number of contact hours recommended by the recognized curriculum. In no case shall instruction be less than four (4) hours.

7.1.2 Hazardous Materials First Responder - Operations 24 hours*

* Includes a minimum of four (4) hours of instruction/practical skills in the use of self-contained breathing apparatus.

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| 7.1.2 | Hazardous Materials Technician | 80 hours |
| 7.1.3 | Incident Commander | To be determined |
| 7.1.4 | Emergency Medical Services/Haz Mat Level II | To be determined |
- 7.2 Recognition of Curriculum
- 7.2.1 The Advisory Board will consider granting recognition of training curriculum for each level of certification that meets or exceeds the criteria set forth in the NFPA Standards, OSHA and EPA Regulations as adopted in Section 4 and/or published by the Colorado Division of Fire Safety and the Board.
- 7.2.2 The applicant requesting recognition of a training curriculum must provide the Advisory Board an outline of the curriculum which includes references to the appropriate standards and/or regulations, and identifies the number of recommended student contact hours, and any other information deemed appropriate by the Board.

SECTION 8
INSTRUCTOR CERTIFICATION

- 8.1 The Hazardous Materials Instructor Certification Program for the State of Colorado will meet or exceed the *Fire Service Instructor I Professional Qualifications*, NFPA Standard 1041, 1996 edition.
- 8.2 A successful applicant for Hazardous Materials Instructor certification must fulfill the following requirements:
- 8.2.1 The applicant must submit a completed application.
- 8.2.2 The applicant's application shall include a letter of recommendation from the department head of their organization stating that they are currently involved in the organization's training program, and attesting to their qualifications to conduct training.
- 8.2.3 The applicant must hold valid certification at or above the level they are applying to instruct at.

- 8.2.4 The applicant must attend and successfully complete a proctor training program approved by the Colorado Firefighter Voluntary Certification Advisory Board or the Division.
- 8.2.5 The applicant shall present documentation of successful completion of an instructor training course within the past three (3) years. Acceptable instructor training courses are:
 - (a) National Fire Academy “Instructional Techniques for Company Officer.”
 - (b) National Fire Academy “Fire Service Instructional Methodology.”
 - (c) National Fire Academy “Fire Service Course Development.”
 - (d) International Society of Fire Service Instructors “Instructor Methodology.”
 - (e) State of Colorado Vocational Education 270 Class.
 - (f) Any other instructor course as approved by the Board.
- 8.2.6 Documentation of the above classes is not required if the applicant possesses one of the following:
 - (a) Successful completion of a state-accredited hazardous materials instructor trainer program.
 - (b) Valid State of Colorado Teaching Certificate issued by the State Board of Education.
 - (c) Bachelor’s Degree or higher in Education.
 - (d) An approved level of training/certification accepted by the Advisory Board.
- 8.2.7 The applicant shall present documentation upon application that his or her curriculum meets the criteria set forth in NFPA 472 Standard, OSHA 1910.120 and/or 40 CFR Part 311 and provide documentation that they have successfully completed a course of instruction based on this curriculum.
- 8.3 All certified Hazardous Materials Instructors agree to adhere to the policies, procedures, and administrative requirements for delivery, documenting, test administration, and certification as adopted, administered and/or recognized by the Advisory Board and the Division of Fire Safety.

8.4 PROVISIONAL INSTRUCTORS

- 8.4.1 Instructors that meet the above requirements upon application and approval will be considered to have provisional instructor status for a period not to exceed six (6) months.
- 8.4.2 During this six-month period, the provisional instructor must conduct at least one course delivery which shall be evaluated by the Board or their designee. An evaluation shall consist of:
- (a) Submission of a video tape of the instructor conducting a course delivery, or
 - (b) On-site evaluation of a course delivery by a member or designee of the Advisory Board.
- 8.4.3 Upon Board approval, provisional instructors will be granted lead instructor status.

8.5 UNAFFILIATED INDIVIDUALS

- 8.5.1 This provision applies to applicants for Hazardous Materials Instructor Certification at the First Responder Operations or Hazardous Materials Technician who are not a member of an emergency response organization.

Explanatory Note: Individuals who are not members of emergency response organizations are not eligible for certification at the First Responder Operations or Hazardous Materials Technician levels, and therefore are unable to comply with the requirements of Rule 8.2.3 of this section.

- 8.5.2 Applicants for Hazardous Materials Instructor Certification at the First Responder Operations or Hazardous Materials Technician who are not a member of an emergency response organization may be granted such certification providing the following conditions are addressed:
- (a) The Advisory Board will appoint a subcommittee to act as a review board. The review board will review documents presented to the Division. The review board shall have the right to verify the items contained in all documents, and to interview the applicant.

- (b) If the review board approves the applicant's qualifications, they will recommend the applicant to the Advisory Board for Hazardous Materials Instructor Certification at the First Responder Operations or Hazardous Materials Technician level.
- (c) If the review board disapproves the applicant's qualifications, they will NOT recommend the applicant to the Advisory Board for Hazardous Materials Instructor Certification. If the Advisory Board agrees with the recommendation, a letter will be sent to the applicant explaining why the request for certification was denied.

8.5.3 The decision whether to grant or deny Hazardous Materials Instructor Certification at the First Responder Operations or Hazardous Materials Technician level to applicants who are not a member of an emergency response organization shall be in the sole discretion of the Advisory Board, subject to the provisions of the Colorado Administrative Procedures Act, Colorado Revised Statutes §24-4-101, et seq.

SECTION 9 **CERTIFICATION OF PROCTORS**

- 9.1 It is the intent of the Advisory Board and the Division that all candidates taking either the written or practical examinations for the different levels of certification receive equal instruction and evaluation from their proctor. It is also the intent of the Advisory Board and the Division that all examinations meet the requirements of the regulations and standards adopted in Section 4 of these rules, these Rules, and any policies or guidelines promulgated by the Advisory Board or the Division. In order to accomplish these objectives, training must be provided for both written and practical examination proctors to ensure that they receive proper instruction to perform their function.
- 9.2 Any written or practical examination, for any level of certification established by these rules, must be administered by a certified proctor.

Exception: Individuals who hold current and valid certification as a Hazardous Materials Instructor prior to June 1, 1998 may proctor written or practical examinations, so long as the following requirements are satisfied:

- 9.2.1 Familiarize themselves with all information contained in the “Proctor’s Instructions” document sent to them with the examination materials.
- 9.2.2 Complete and return the “Proctor Affidavit” sent to them with the examination materials.
- 9.2.3 Any proctors for the written examination may obtain additional assistance by contacting the Director of the Colorado Division of Fire Safety at (303) 239-4463.
- 9.2.4 Prior to renewing as a certified Hazardous Materials Instructor, individuals certified prior to June 1, 1998 must:
 - (a) Attend and successfully complete a proctor training program approved by the Colorado Firefighter Voluntary Certification Advisory Board or the Division, or
 - (b) Contact the Division to obtain a self-study packet. Receipt of the required Proctor Application Form, along with successfully passing the written proctor examination qualifies an applicant to become certified as a proctor.
- 9.3 Applicants for certification as a written and/or practical proctor must meet or exceed all applicable requirements contained in NFPA Standard 1000, *Fire Service Professional Qualifications Accreditation and Certification Systems*, 1994 edition, and this Section 9.
- 9.4 Applicants for proctor certification must attend and successfully complete an approved proctor training program for the type of proctor certification requested.
 - 9.4.1 A completed Proctor Application Form shall be submitted by an applicant at the time of attendance at an approved proctor training program.
 - 9.4.2 Applicants for proctor certification must receive a score of eighty percent (80%) or above on the written examination for each level of proctor certification requested.
 - 9.4.3 Applicants for practical examination proctor certification must obtain a score of “Pass” on the Practical Proctor Performance Evaluation administered during the approved proctor training program.
 - 9.4.5 There shall be no fee for proctor certification.

- 9.4.6 Proctor certification will be awarded for a three (3) year period, unless earlier revoked.
- 9.5 **WRITTEN EXAMINATION PROCTORS.** All written examination proctors are required to comply with all rules, guidelines, policies and procedures for proctoring written examinations as set forth by the Advisory Board, the Colorado Firefighter Voluntary Certification Advisory Board or the Division.
- 9.7 **PRACTICAL EXAMINATION PROCTORS.** All practical examination proctors are required to:
- 9.7.1 Hold a valid Colorado Hazardous Materials Instructor certification at or above the level they are proctoring.
- 9.7.2 Be knowledgeable of the NFPA, OSHA and EPA psychomotor objectives for each level of practical examination they are proctoring.
- 9.7.3 All practical examination proctors are required to comply with all rules, guidelines, policies and procedures for proctoring practical examinations as set forth by the Advisory Board or the Division.

SECTION 10 **RENEWAL OF CERTIFICATION**

- 10.1 **RENEWAL OF CERTIFICATION - GENERAL**
- 10.1.1 Certification is for a THREE (3) year period, unless earlier revoked. Each certified hazardous materials responder may renew certification by having the department head of their organization submit a request for renewal, which includes a certification that the applicant has met or exceeded the minimum training or continuing education requirements.
- 10.1.2 Applications for renewal of certification must be made within a three (3) month period before or three (3) month period after the expiration date. Renewal of certification is the responsibility of the certified person and their employer.

- 10.1.3 Upon renewal of certification, certificates will be reissued to each certified person for another period of three (3) years.
- 10.1.4 Local records must be maintained which contain copies of training records and psychomotor skills competency records for each applicant.
- 10.1.5 For all levels of certification, training should include a mix of both refresher and continuing education forms of training of a nature appropriate for their level of certification. It is recommended that training take a scenario-based approach.
- 10.1.6 It is the employer's responsibility to ensure that the applicant is competent to perform at the level of their certification.
- 10.1.7 The Advisory Board maintains the right to objectively reexamine any or all certified personnel for renewal of certification, based on the same standards used for certification.
- 10.2 **FIRST RESPONDER - AWARENESS RENEWAL.** Any individual certified at the First Responder Awareness level who reaches expiration and desires to renew their certification may do so by having the department head of the organization submit an *Application for Renewal* attesting to the following:
- 10.2.1 Local training records are maintained that document that the applicant has participated in at least three (3) hours of training per year, or a total of nine (9) hours of training over the three year certification period.
- Explanatory Note: §31-30-1122, C.R.S. requires a volunteer firefighter maintain a minimum of thirty-six (36) hours of training each year to qualify for retirement benefits. The Advisory Board has determined that a minimum of three (3) hours of this training should be related to First Responder-Awareness competencies.*
- 10.2.2 The applicant for recertification has maintained the knowledge, skills and abilities appropriate for the level of certification.
- 10.2.3 Unaffiliated Individuals. Any individual certified at the First Responder Awareness level who reaches expiration and desires to renew their certification and is not a member of an emergency response organization, may do so by:

- (a) Submitting an *Application for Renewal* and paying all required fees for renewal, and
- (b) Submitting documentation that they have participated in at least three (3) hours of training per year, or a total of nine (9) hours of training over the three year certification period.

10.3 **FIRST RESPONDER - OPERATIONS RENEWAL.** Any individual certified at the First Responder Operations level who reaches expiration and desires to renew their certification may do so by having the department head of the organization submit an application attesting to the following:

10.3.1 The applicant for recertification at the First Responder Operations level is a member of an emergency response organization.

10.3.2 Local training records are maintained that document that the applicant has participated in at least six (6) hours of training per year, or a total of eighteen (18) hours of training over the three year certification period.

10.3.3 The applicant for recertification has maintained the knowledge, skills and abilities appropriate for the level of certification.

10.4 **HAZARDOUS MATERIALS TECHNICIAN RENEWAL.** Any individual certified at the Hazardous Materials Technician level who reaches expiration and desires to renew their certification may do so by having the department head of the organization submit an application attesting to the following:

10.4.1 The applicant for recertification at the Hazardous Materials Technician level is a member of an hazardous materials response team.

10.4.2 Local training records are maintained that document that the applicant has participated in at least twelve (12) hours of training per year, or a total of thirty-six (36) hours of training over the three year certification period.

10.4.3 The applicant for recertification has maintained the knowledge, skills and abilities appropriate for the level of certification.

10.5 INCIDENT COMMANDER

10.5.1 The requirements for renewal are to be determined at a later date by the Advisory Board.

10.6 EMERGENCY MEDICAL SERVICES / HAZ MAT LEVEL II RENEWAL

10.6.1 The requirements for renewal are to be determined at a later date by the Advisory Board.

10.7 HAZARDOUS MATERIALS INSTRUCTOR RENEWAL. Any individual certified as a Hazardous Materials Instructor who reaches expiration and desires to renew their certification may do so by having the department head of the organization submit an *Application for Renewal* attesting to the following:

10.7.1 Local training records are maintained that document that the applicant has satisfactorily instructed a minimum of (12) hours of training per year, or a total of thirty-six (36) hours of training over the three year certification period.

10.7.2 The applicant for recertification holds valid and current certification at or above the level they are certified to instruct at.

Explanatory Note: This provision presupposes that the individual has maintained all required continuing education and refresher training required for their level of certification.

10.7.3 The applicant must continue to hold valid Colorado proctor certification.

10.7.4 Unaffiliated Individuals. Any individual certified at the Hazardous Materials Instructor level who reaches expiration and desires to renew their certification and is not a member of an emergency response organization, may do so by:

(a) Submitting an *Application for Renewal* and paying all required fees for renewal.

(b) Submitting documentation that they have satisfactorily instructed a minimum of (12) hours of training per year, or a total of thirty-six (36) hours of training over the three year certification period.

- (c) Submitting documentation that they have participated in continuing education and refresher training necessary to maintain their knowledge, skills and ability at or above the level they are certified to instruct at. The minimum number of training hours that must be documented are:
 - (1) First Responder Awareness: Three (3) hours of training per year, or a total of nine (9) hours of training over the three year certification period.
 - (2) First Responder Operations: Six (6) hours of training per year, or a total of eighteen (18) hours of training over the three year certification period.
 - (3) Hazardous Materials Technician: Twelve (12) hours of training per year, or a total of thirty-six (36) hours of training over the three year certification period.
- (d) The applicant must continue to hold valid Colorado proctor certification.

10.8 CERTIFIED PROCTOR RENEWAL. The minimum requirements for renewal of written or practical proctor certification are:

- 10.8.1 Documentation of having administered a minimum of three (3) written and/or practical examinations during the certification period, as appropriate for the type of proctor certification held.
- 10.8.2 Documentation of completion of a Division approved proctor update or initial training program during the three (3) year period prior to recertification.
- 19.8.3 The applicant must continue to hold a valid Colorado certification at or above the level they are proctoring.

SECTION 11
REINSTATEMENT OF EXPIRED CERTIFICATION

- 11.1 The reinstatement process for persons that have permitted their certification to expire for a certification period is as follows:
- 11.1.1 Any person permitting their certification to expire for a period greater than three (3) months may become certified by complying with the following:
- (a) The certificate has not been expired for more than twelve (12) months.
 - (b) Extenuating circumstances prevented the applicant from applying for renewal during the renewal period; and
 - (c) The individual has completed the required minimum hours of documented continuing education training per calendar year appropriate for the level of certification. The applicant must have maintained all training requirements during the time of certification up to the time application is made for reinstatement.
- 11.1.2 Persons meeting the criteria listed above may obtain certification by fulfilling the following requirements:
- (a) Submit an application form containing such information as deemed appropriate by the Division.
 - (b) Comply with all other rules and requirements for initial certification renewal of certification, as the case may be; and,
- 11.2 Any person with an expired certificate greater than 12 months from the date of expiration must follow the process for initial certification.

SECTION 12
RECIPROCIITY

- 12.1 The Division may grant certification to an applicant possessing a substantially equivalent or higher level certificate from another state, United States territory, or Canadian Province provided that:
- 12.1.1 the applicant submits an application form containing such information as deemed appropriate by the Division;
 - 12.1.2 the Division determines that training received by the applicant is at least equivalent to the training requirements for Colorado certification;
 - 12.1.3 the applicant's non-Colorado certification is current and valid at the time of application;
 - 12.1.4 the applicant pays all required fees at the time of application.
 - 12.1.5 The applicant must pass the written examination, but may be exempt from required practical examination or psychomotor evaluation when otherwise required for the certification level they are requesting.
 - 12.1.6 Any certificate issued under these provisions will be classified as an initial certification and will be valid for a period not exceeding thirty six (36) months.
- 12.2 In the event a passing score is not attained on the examination, the applicant must follow the requirements of these Rules for initial certification.

SECTION 13
SPECIAL CERTIFICATES AND AWARDS

- 13.1 Certificates and awards may be presented by the Board for the purpose of raising the level of competence of hazardous materials response personnel and to foster cooperation among other agencies, groups, organizations, jurisdictions, and individuals.

SECTION 14
HAZARDOUS MATERIALS RESPONSE TEAM CERTIFICATION

14.1 GENERAL DESCRIPTION OF CERTIFICATION

14.1.1 Hazardous material response team certification is intended to provide a measure of the team's compliance with applicable standards. Specific standards include OSHA 1910:120, NFPA 471, NFPA 472, and NFPA 473.

14.1.2 Certification of teams also provides a measure of effectiveness through standards of good practice for elements such as governance, management, funding, planning, human resources, and training programs.

14.2 PROCEDURE

14.2.1 The team or jurisdiction requesting team certification must submit a completed application provided by the Division of Fire Safety and any requested documentation.

14.2.2 The application will be reviewed by the Board for completeness, determine associated fees and costs to the team or jurisdiction, establish an estimated certification process time line, and provide a response to the applicant.

14.2.3 The applicant reviews the Board's response and makes a determination regarding whether or not to pursue certification. The applicant shall notify the Board of their decision within 30 days of the Board's response.

14.2.4 A site visit/audit will be scheduled and conducted by the Board, agents of the Board, and/or employees of the Division of Fire Safety at a time convenient to the Board and the applicant. Unless extenuating circumstances exist, this site visit/audit will be conducted within 30 days of notification that the applicant wishes to proceed with the certification process.

(a) All fees associated with certification shall be paid in full prior to the scheduling of a site visit/audit.

(b) The applicant shall provide all materials requested by the Board prior to the scheduling of a site visit/audit.

14.2.5 The site team will meet following the site visit and will assemble in writing a report summarizing the visit which will include a detailed description of any deficiencies or discrepancies. The applicant shall receive a copy of the site team's summary within 30 days of the site visit.

14.2.6 Certification at the appropriate level will be issued if the applicant is found to be in substantial compliance with the team certification requirements.

14.2.7 If the applicant fails to substantially meet team certification requirements, the applicant will be provided the opportunity to correct deficiencies or discrepancies as identified by the site team.

(a) Additional costs will occur in the event a second or subsequent site visit is required. These fees will be limited to the direct costs associated with the second visit.

(b) The applicant will be notified in advance of the fees associated with the second or subsequent site visit/audit and shall pay such fees in full prior to the scheduling of a site visit/audit.

14.3 OPERATIONS LEVEL RESPONSE TEAM. The applicant for certification as an Operations Level Response Team shall comply with the following requirements:

14.3.1 Authority

(a) Provide a description of the authority of the response team to function within the jurisdiction(s) of responsibility.

(b) Provide appropriate documentation addressing the jurisdictional and legal authority of the response team. Examples of appropriate documentation include resolution(s), intergovernmental agreements, mutual and/or automatic aid agreements, or other documents referencing authority.

(c) Provide a map or describe the boundaries of the jurisdictional area covered by the response team.

14.3.2 Structure

- (a) Provide a description of the response team's organizational structure. Include lines of authority and/or chain of command.
- (b) Provide an organizational chart showing direct and functional lines of authority.

14.3.3 Equipment Inventory

- (a) Provide a copy of the team's list of resources.
- (b) Provide documentation of the team's equipment maintenance and replacement standard(s) and/or policies.

14.3.4 Human Resources

- (a) Provide a complete list of personnel assigned to or part of the response team and identify their level of training, certification and any special qualifications.
- (b) Provide documentation of training and certification for all personnel assigned to or part of the response team.
- (c) Provide a description of the team's on-going training program including schedules of training and a description of the method(s) used to insure compliance with all applicable regulations and/or standards.
- (d) Provide description and supporting documentation on physical training resources used to support the teams training program.

14.3.5 Planning

- (a) Provide a description of the jurisdiction(s) hazardous material problem including type and nature of potential incidents.
- (b) Provide a schedule of fixed hazardous materials sites in the jurisdiction(s) including type(s) of materials stored or used.

(1) Provide a copy of the team's planned response to any site that has been determined a high risk or target hazard.

(c) Provide a copy of all standard operating procedures and or guidelines used for response and on scene operations.

14.4 **TECHNICIAN LEVEL RESPONSE TEAM.** The applicant for certification as an Technician Level Response Team shall comply with all requirements identified for an Operations Level Response Team and the following additional requirements:

14.4.1 Equipment Inventory:

(a) Provide documentation of the team's equipment maintenance and replacement standard(s) and/or policies.

14.4.2 Human Resources:

(a) Provide a copy of the team's medical surveillance program.

14.4.3 Specialty Considerations:

(a) To be completed in accordance to the NFPA Standard 472-1997.

14.5 **RECERTIFICATION OF TEAM**

14.5.1 Team certification will be good for a period of three (3) years from the date of certification, unless earlier revoked or suspended in accordance with the provisions of these rules and the Colorado Administrative Procedures Act.

14.5.2 Certified teams will be required to accomplish a re-certification process prior to the expiration date of certification.

(a) It shall be the team's responsibility to initiate the recertification process with the Board. Neither the Board or the Division of Fire Safety shall be responsible for notification of the team prior to expiration.

- (b) In the event the team's certification is allowed to expire prior to initiating the re-certification process the team will be considered no longer certified and the team will be required to complete the entire initial certification process in order to be recertified.
- (c) The applicant for recertification as a Hazardous Materials Response Team shall comply with the following requirements:
 - (1) Submit a completed application for recertification provided by the Division of Fire Safety and any requested documentation.
 - (2) Provide documentation of any changes in the Team's authority, organization, human resources, inventory and/or planning efforts which have occurred since the date of prior certification.
 - (3) Provide a description of measures and methods taken to comply with any changes to applicable statutes, regulations and/or standards.
 - (4) Recertification will not require a site visit/audit unless there are substantial changes to the team or its operation. If a site visit is required it will be the responsibility of the applicant to pay direct costs of the visit in addition to the recertification fee.

14.6 SUSPENSION OR REVOCATION OF TEAM CERTIFICATION

14.6.1 Any certified team shall notify the Board, through the Division of Fire Safety any time there are any changes in the Team's authority, organization, human resources, inventory and/or planning efforts which may affect its continued ability to comply with applicable statutes, regulations and/or standards.

- (a) Such notification shall be made to the Board, through the Division of Fire Safety, within 30 days of such changes.
- (b) The failure of a certified team to make notification shall be cause for the Board to initiate suspension or revocation proceedings.

14.6.2 The Board shall cause to be investigated any substantiated complaint that there have been changes in a Team's authority, organization, human resources, inventory and/or planning efforts which affect its ability to comply with applicable statutes, regulations and/or standards.

14.6.3 Upon notification of changes OR upon investigation and finding of changes which may affect a certified team's continued ability to comply with applicable statutes, regulations and/or standards, the Board will review such changes and will decide whether the changes warrant suspension or revocation of the team's certification.

14.6.4 Any suspension or revocation of Team Certification will be in accordance with applicable provisions of these rules and the Colorado Administrative Procedures Act.

14.7 INDIVIDUAL MEMBERS OF CERTIFIED HAZARDOUS MATERIALS TEAMS

14.7.1 Individual members of certified hazardous materials teams shall maintain appropriate training and Colorado State Certification at the appropriate level, in accordance with these rules and regulations.

14.7.2 Upon application for certification or recertification as a Hazardous Materials Response Team, the applicant may request recertification of all individual members of the response team. If the Board makes a finding that the individual members of the response team meet the requirements for recertification, they shall be recertified effective with the certification of the Team.

Explanatory Information: This provision is intended to allow Hazardous Materials Response Teams the ability to better manage the certification of their individual members and to control costs. The fee for individual recertification shall be waived if application for recertification is made in conjunction with application for certification or recertification as a Hazardous Materials Response Team.

SECTION 15
PROCEEDINGS PURSUANT TO DENIAL, REVOCATION, SUSPENSION,
ANNULMENT, LIMITATION OR MODIFICATION OF CERTIFICATION

15.1 DENIAL OF CERTIFICATION

The Division, in accordance with the Administrative Procedures Act, C.R.S. 24-4-101, et seq., as amended, may deny any certificate or refuse to renew a certificate to any applicant for, but not limited to, the following reasons:

15.1.1 Failure to meet requirements specified in these rules pertaining to the issuance of certificates and/or the renewal of certification.

15.1.2 Any conduct as described in Section 15.2.2 pertaining to good cause for disciplinary action.

15.1.3 Fraud, misrepresentation, or deception in applying for or securing certification, or in taking any written or practical certification examination.

15.1.4 Aiding and abetting another person in procuring certification for any person who is not eligible for certification.

15.1.5 Creating a disturbance during a state practical skills evaluation or a state written examination, or conducting themselves in a manner that disrupts other persons taking the examination or prevents the examination proctor from conducting the examination.

15.2 REVOCATION, SUSPENSION, OR LIMITATION OF CERTIFICATION

15.2.1 Any certification issued by the Division may be suspended, summarily suspended, revoked, or limited for good cause in accordance with the Administrative Procedures Act, C.R.S. 24-4-101 et seq., as amended.

15.2.2 Good cause for disciplinary sanctions listed in this section (denial, revocation, suspension, annulment, limitation, or modification of certification) shall include, but not be limited to:

- (a) Evidence that the minimum standards for certification set forth in these rules have not been met.
- (b) Material misstatement or misrepresentation on the application for certification.
- (c) Proof of unfitness.
- (d) Proof of individual's failure to meet, and continue to meet, performance standards at the level certified.
- (e) Obtaining certification or recertification by fraud, misrepresentation, deception, or subterfuge.
- (f) Materially altering any Division certificate, or using and/or possessing any such altered certificate.
- (g) Unlawfully discriminating in the provisions of services based upon national origin, race, color, creed, religion, sex, age, physical or mental disability, sexual preference, infectious disease, or economic status.
- (h) Representing qualifications at any level other than the person's current certification level.
- (i) Failure to pay required fees for certification.

15.3 In addition to those items listed in Rule 15.2.2, good cause for disciplinary sanctions listed in this section (denial, revocation, suspension, annulment, limitation, or modification of certification) against the certification held by a hazardous materials instructor or certified proctor shall include, but not be limited to:

15.3.1 Failure to adhere to the policies, procedures, and administrative requirements for delivery, documenting, test administration, and certification as adopted, administered and/or recognized by the Advisory Board and the Division of Fire Safety.

15.3.2 Failure to maintain security over written exams, including unauthorized access or reproduction of examination materials.

- 15.4 If the Board finds that grounds exist for the denial, revocation, suspension, annulment, limitation, or modification of certification of any fire service personnel or applicant, action will be taken according to the provisions of the Colorado Administrative Procedure Act, Section 24-4-101, et. sec., of the Colorado Revised Statutes, as amended.
- 15.5 Upon the denial, revocation, suspension, annulment, limitation, or modification of any member of a fire service unit or applicant, the person shall return to the Board all certificates, cards, patches or other identification issued by the Board for said certification and accreditation levels.

SECTION 16
FEEES

16.1 §24-33.5-1402, CRS requires the Hazardous Materials Responder Voluntary Certification Program be funded entirely on a cash funds basis and further requires the Advisory Board establish fees for the direct and indirect costs of administering the program.

16.2 Each applicant shall be assessed the following fees for products or services provided by, or on behalf of the Division:

16.2.1	Initial Application for Examination	\$	20.00
16.2.2	Application for Retake Examination		20.00
16.2.3	Application for Renewal of Certification		10.00
16.2.4	Reinstatement Fee for Expired Certification		30.00
16.2.5	Application for Reciprocity		30.00
16.2.6	Replacement of Lost or Damaged Certificates		5.00
16.2.7	Additional Certification Patches		4.00
16.2.8	Additional Certification Bars		1.50

16.3 **FEEES FOR HAZARDOUS MATERIALS TEAM CERTIFICATION**

16.3.1 The fees for team certification shall be dependent on the level of team certification requested and the size of the team and shall include both the direct and indirect costs incurred to provide review of appropriate application and documents.

- 16.3.2 The cost of a site visit/audit will be at the team's expense and will be limited to the direct costs associated with the visit, including travel, lodging and meals at a rate consistent with Colorado Regulations concerning in-state travel.
- 16.4 All application fees payable to the Division must be made at the time of application and are not refundable.

SECTION 17
SEVERABILITY

- 17.1 If any provision of these rules and regulations or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions of these rules and regulations which can be given effect without the invalid provisions. To this end, all provisions of these rules and regulations are declared to be severable.