

**TITLE 87  
LEGISLATIVE RULE  
FIRE COMMISSION**

**SERIES 8  
VOLUNTEER FIREFIGHTERS' TRAINING, EQUIPMENT,  
AND OPERATING STANDARDS**

**§87-8-1. General.**

1.1. Scope. -- This rule establishes minimum training levels for rescue and fire fighting for volunteer fire departments; minimum levels of equipment needed to protect life and property within fire service areas for volunteer fire departments; minimum performance standards the volunteer departments must meet in response times, communications, levels of water flow and pressure; and other performance measures as considered necessary to meet the overall goals of improved fire prevention and control for volunteer fire departments.

1.2. Authority. -- This legislative rule is issued under authority of W. Va. Code §15A-11-9.

1.3. Filing Date. -- April 26, 2023.

1.4. Effective Date. -- May 1, 2023.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2028.

1.6. Incorporation of Other Documents. -- This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various National Standards and Codes cited in this rule. For ascertaining these additional standards and requirements it is necessary to make reference to these other documents.

**§87-8-2. Definitions.**

2.1. "Active members" means an individual that performs the function of fire prevention and suppression, or vehicle and machinery extrications when responding to emergency situations. Depending on the level(s) of training the active member has completed, active members may also perform the tasks and duties of hazardous materials response and mitigation, technical rescue, emergency medical services and any other duties that a specialized support member may provide if so trained.

2.2. "Ancillary support member" means any person solely performing support, administrative, or day to day functions for the department. Under no circumstance shall an ancillary member perform any function which requires training for an active member or a specialized support member.

2.3. "Approved Curriculum" means curriculum for training approved by the West Virginia State Fire Commission.

2.4. "Assistant Fire Chief otherwise known as Deputy Chief or Battalion Chief" means the second highest fire line officer(s) in charge of the fire department. This person may take on the responsibilities of the chief in his or her absence. A department may have more than one person filling this position.

2.5. "Chief" means the highest-ranking fire line officer in charge of the fire department.

2.6. "Department" means any volunteer fire fighting response organization regulated by the West Virginia State Fire Commission. Department includes a volunteer fire company or volunteer fire brigade, Provided that: private or corporate fire brigades are exempt from this rule.

2.7. "Firefighter" means any active member of a fire department who is a certified firefighter.

2.8. "Fire Commission" means the West Virginia State Fire Commission.

2.9. “Fire Line Officer” means Chief, Assistant Chief, Deputy Chief, Battalion Chief or other officers of the fire department usually referred to as line officers (usually referred to as Lieutenant and Captain), the third and fourth highest tiers in ranking in charge of the fire department and may take on the responsibilities of the chief or assistants in those persons(s)’ absence.

2.10. “First Response Area or First Due Area” means the specified geographical area assigned to a fire department, which has been approved by the WV Fire Commission, to which the assigned fire Department is the primary department responsible for providing fire protection.

2.11. “NPFA” means the National Fire Protection Association Codes and Standards.

2.12. “NIMS” means the National Incident Management System.

2.13. “Person” means business, corporation, partnership, individual, or any other entity submitting a curriculum for approval.

2.14. “Probationary Firefighter” means an active member of a volunteer fire department who is at least 18 years old and not a certified firefighter.

2.15. “Specialized Support member” means any person responding solely for the purpose of performing emergency medical services, hazardous materials mitigation, or specialized rescue.

### **§87-8-3. Minimum Training Levels for Rescue and Fire Fighting.**

3.1. All firefighters certified by the Fire Commission prior to the effective date of this rule shall remain certified to the level previously granted by the Fire Commission.

3.2. All active members and firefighters must always maintain current certification in first aid, CPR, and must have been trained in, at a minimum, Hazardous Materials Awareness. Additionally, all active members and firefighters shall have the training available to them to allow them to become compliant with the “NIMS Training Guidelines for West Virginia” as established by the West Virginia Division of Emergency Management.

3.3. All active firefighters who perform automobile extractions must have completed an approved Vehicle and Machinery Rescue Operations Level curriculum (NFPA 1006 or 1670) or equivalent, and pass any and all testing required for certification. Any active firefighter who has completed the certification for firefighter 2 is deemed to have met this requirement and does not have to receive a separate training in Vehicle and Machinery Rescue Operations Level.

3.4. All active firefighters must have completed an approved firefighter 1 curriculum, or equivalent, and pass any and all testing required for certification before responding to any fire, with the exception of responding to wildland fires over which the Department of Natural Resources or Division of Forestry has jurisdiction.

3.4.1. A person may serve as a probationary firefighter, at the discretion of the fire chief, for a period not to exceed five years.

3.4.1.a. A probationary firefighter is required to be trained to a minimum as required in the modular training policy of the State Fire Commission and can operate as defined within said policy.

3.5. At all times, all active fire line officers, excluding any training coordinator or safety coordinator, must have completed an approved Fire Officer 1 curriculum, or equivalent, and pass any and all testing required for certification as a Fire Officer 1. Additionally, all active members and firefighters shall have the training available to them to allow them to become compliant with the “NIMS Training Guidelines for West Virginia” as established by the West Virginia Division of Emergency Management.

3.6. At all times, all active chief and assistant chief members must have completed an approved fire Officer 2 curriculum, or equivalent, and pass any and all testing required for certification as a Fire Officer 2. Additionally, all active members and firefighters shall have the training available to them to allow them to become compliant with the

“NIMS Training Guidelines for West Virginia” as established by the West Virginia Division of Emergency Management.

3.7. The Fire Commission, at all times, shall have an equivalency program to allow certification of fire officers in Fire Officer 1 and Fire Officer 2. Any person may apply to this program for certification in either Fire Officer 1, Fire Officer 2, or both. This program shall evaluate a person’s practical knowledge and life experience within the fire service, and any previous training that person may have completed. If the person has demonstrated competency in the skills taught in these curricula, then the application shall be granted.

3.8. All operators of fire department engines, tankers, aerials, and rescue trucks must have a Firefighter I certification, have a valid driver's license, and must have completed an approved Emergency Vehicle Operations Course (EVOC), or equivalent, and pass any and all testing required for certification.

3.8.1. Provided that, during maintenance or service of the vehicle, any person operating a vehicle to perform his or her job may operate that vehicle as long as that person meets all other requirements to operate that vehicle as set forth by statute.

3.8.2. Provided that, nothing in this rule shall prohibit specialized support members or emergency medical response personnel from operating fire department squads, ambulances and/or emergency medical response vehicles, or prevent ancillary support members of fire departments from operating utility vehicles.

3.8.3. Provided that, nothing in this rule shall prohibit an active member from operating a fire department vehicle for the purpose of training so long as he or she are accompanied by a certified operator in a non-emergency capacity.

3.8.4. The Fire Commission may utilize the modular training program as an alternative to meet this requirement.

3.9. All individuals who wish to instruct or test others in any approved curriculum for purposes of certification by the State Fire Commission must obtain and maintain a valid adult part-time teaching permit issued by the West Virginia Department of Education, or be a certified Fire Instructor through the West Virginia University Fire Service Extension.

3.10. Departments may appoint at least one member of the department to serve as a training coordinator. It is the training coordinator’s duty to ensure that all members achieve the appropriate certifications, and to oversee training within the department.

3.11. Active and specialized support members that respond to hazardous materials incidents must have completed and achieved certification for training at or above the level of Hazardous Materials Awareness, and have passed any and all testing required for this certification. Active and specialized support members that operate at hazardous materials incidents must have completed and achieved, at the minimum, certification for training at the Hazardous Materials Operations level, as set forth by the U.S. Environmental Protection Agency and the U.S. Occupational Safety and Health Administration, or equivalent, and have passed any and all testing required for this certification.

3.12. This section establishes the minimum level of training necessary for certification. Training beyond minimum requirements is voluntary. All training curriculums must be approved by the Commission pursuant to section 4 of this rules series if the training is completed for the purposes of obtaining certification by the Fire Commission.

#### **§87-8-4. Curriculum Approval.**

4.1. In order for a curriculum to be approved by the Fire Commission, the following minimum levels of competency must be met:

4.1.1. Firefighter 1 - NFPA 1001, the requirement for a medical exam shall be excluded.

4.1.2. Vehicle and Machinery Rescue Level 1 - NFPA 1006.

4.1.3. Firefighter 2 - NFPA 1001.

4.1.4. Fire Officer 1 - NFPA 1021, the requirement for Instructor 1 shall be excluded.

4.1.5. Fire Officer 2 - NFPA 1021.

4.1.6. Driver/Operator - NFPA 1002.

4.1.7. Fire Instructor - NFPA 1041. Further, if not a fire instructor employed by the West Virginia University Fire Service Extension, a fire instructor shall obtain, and maintain, an adult part-time teaching permit.

4.1.8. All other training, if being presented to the Commission for approval for certification, must meet or exceed the National Standard for the corresponding training objective as set forth by NFPA.

4.2. Persons seeking approval for a curriculum must submit 1 copy of the text and teaching materials, and 15 copies of the proposed curriculum outline to the Fire Commission. All course curriculum must provide for the following:

4.2.1. Course content meeting or exceeding the current National Standard as set forth by NFPA or other accrediting entity, including Job Performance Requirements.

4.2.2. On-line training in the subject matter being taught, including a break down of the course content being offered on-line and an approximate timetable describing the amount of time needed for delivery of the content, or an explanation as to why this is not applicable.

4.2.3. On-line testing, in a controlled, proctored environment, or an explanation as to why this is not applicable.

4.2.4. In person training on the subject matter, including a break down of the course content being offered in person and an approximate timetable describing the amount of time needed for delivery of the content, or an explanation as to why this is not applicable.

4.2.5. In person testing in a controlled, proctored environment, or an explanation as to why this is not applicable.

4.2.6. A regional testing schedule for the course if in person testing is required, stating the general vicinity of the tests, and the minimum number of times the test shall be offered in each location.

4.2.7. The procedure for administering the on-line instruction or testing, if applicable, which shall include, at a minimum:

4.2.7.a. A controlled, proctored environment for testing;

4.2.7.b. The party responsible for providing the computer equipment and internet service;

and,

4.2.7.c. Minimum equipment and service levels for the instruction and/or testing environment.

4.2.8. The course content, broken down into segments, blocks or modules, and the method of testing for the course content, or an explanation as to why this is not applicable.

4.2.9. The anticipated fee to be charged per student for receiving the training and testing.

4.3. All materials submitted for the Courses for Certification in Firefighter 1, Firefighter 2, Fire Officer 1, Fire Officer 2, Vehicle and Machinery Rescue Level 1, and Hazardous Materials Awareness and/or Operations must include on-line training, as either its entire course, or as a blended course of on-line and in person training, or an explanation as to why this is not applicable.

4.4. Upon receipt of the proposed curriculum, the Fire Commission Training Committee shall review the submitted materials to ensure that each curriculum complies with the minimum standards as set forth in sections 4.1 and 4.2 of this rule.

4.4.1. If, after review, the subcommittee finds that the materials do not comply with the standard set forth in subsections 4.1 and 4.1 of this rule, the textbook and teaching materials, and one copy of the curriculum outlines shall be returned to the person submitting the materials, with an explanation as to why the curriculum is being returned.

4.4.2. If after review, the subcommittee finds that the submitted materials comply with the standards set forth in subsections 4.1 and 4.2 of this rule, the submitted materials shall be made available to for review by the general public, upon request, and a 30 day written comment period shall be announced at the next meeting of the Fire Commission with all written comments being submitted to the State Fire Commission at 1207 Quarrier Street, Charleston, WV 25031.

4.4.3. Following the written comment period, but not prior to the next regular Fire Commission meeting, the Commission shall vote to accept or reject the proposed curriculum, and the person submitting the curriculum shall be notified of the results of the vote, and if approved the allow start date to provide the approved curriculum to the public for Certification.

4.5. All curricula must be approved by the commission a minimum of every 5 years to ensure that training is meeting or exceeding the standards set forth in the current edition of the NFPA or applicable standard.

4.5.1 If a curriculum is not submitted for re-approval after five years have passed, the approval for the curricula will automatically be suspended.

4.6. The current modular training policies, of the State Fire Commission, can be utilized as alternate methods to achieve certification as a firefighter or fire apparatus driver/operator as referenced in 3.8 of this rule.

4.7. The Commission, if it has received notice that the standard for a particular curriculum has changed, shall notify the party or parties affected, and any updated curricula shall be submitted, in accordance with the standards as stated in subsections 4.1 and 4.2 of this rule within a period of time not to exceed 12 months.

4.7.1. If an updated curricula is not submitted for approval after 12 months have passed, the approval for the curricula will automatically be suspended.

4.8. The questions on any written test for approved curriculum shall be confirmed to be found in the textbook used for the training and confirmed to associate with the Job Performance Requirement (JPR) for the specific training.

#### **§87-8-5. Equivalency.**

5.1. Individuals holding certification accredited by the International Fire Service Accreditation Congress (IFSAC) or the National Board on Fire Service Professional Qualifications (ProBoard) or certification from the Department of Labor Firefighter Apprenticeship program shall be considered as holding equivalency for the certification listed on the respective certificate.

5.2. Individuals not holding certification accredited by the international fire Service Accreditation Congress (IFSAC) or the National Board on fire Service Professional Qualifications (ProBoard) must comply with the following guidelines:

5.2.1. Applicant must complete the appropriate application and attach supporting documentation through the certification division of West Virginia University Fire Service Extension, or through the West Virginia Department of Education.

5.2.2. The applicant must be a member of a West Virginia State Fire Commission recognized fire department and must have the signature of the Fire Chief in order to request reciprocity.

5.2.3. Applicant must submit documentation of training and testing that complies with each component of the appropriate NFPA Standard for the desired level of certification. Documentation must be dated within the last 5 years.

5.2.4. If documentation is insufficient, applicant must successfully pass a certification written exam with a minimum score of 70% for the desired level of certification and practical skills exam, where applicable.

5.2.5. Applicant must meet the general requirements for certification as outlined by the West Virginia State Fire Commission.

5.3. The West Virginia University Fire Service Extension Certification Division or the West Virginia Department of Education will review and verify all documentation. Once documentation has been reviewed and verified to meet the certification criteria, the candidate will be issued reciprocity. If documentation does not meet the certification requirements, the candidate will be denied reciprocity. The candidate would then be required to complete an approved training program and meet all certification requirements including but not limited to, passing written and practical skills certification exams.

5.4. Applicants seeking Fire Officer I/Fire Officer II equivalency shall submit:

5.4.1. A portfolio outlining the certification being sought and associated files containing the Job Performance Requirements with meet the respective NFPA 1021 standard.

5.4.2. A list of all current training and certifications courses which were taken to achieve the equivalent certification.

5.5. If the equivalency application is refused or denied, the applicant may apply to the Commission, pursuant to W. Va. Code of State Rules §87-6-12, for a hearing on the merits of the application, and the Commission shall issue a final decision upon the application.

#### **§87-8-6. Minimum Equipment and Performance Standards.**

6.1. Departments shall operate in accordance with federal, state, and local laws, as well as their own constitution, bylaws, rules, and regulations.

6.2. Departments shall report fire losses to the State Fire Marshal's Office in accordance with West Virginia Code § 8-15-8a.

6.3. Department shall make provision for the receipt of alarms and the notification of members of all emergency calls received.

6.4. Department, or County Fire Association, as defined by West Virginia Code § 7-17-6, shall prepare and submit to the Fire Commission a map outlining the "first due" area of the Department. This agreement must be updated with the Fire Commission each time any agreement is modified or changed. Further, each department shall submit to the Fire Commission copies of any and all mutual aid agreements with other departments, and any subsequent changes to such agreements.

6.5. Members of the department shall respond to any emergency call in a manner consistent to preserve the life, safety and property of the public and members of the department.

6.6. Departments shall, within five minutes of arriving on the scene at a structure or vehicle fire, be capable of delivering a minimum water flow at the rate of one hundred (100) gallons per minute for a minimum of five (5) continuous minutes for a structure fire.

6.7. Departments shall, within its first due area, achieve the minimum classification for a municipality or rural fire protection district as determined by the Insurance Service Office (ISO).

6.8. Departments shall maintain records of routine inspections and maintenance for all in service apparatus and equipment, including emergency repairs, for a minimum of five (5) years and shall produce these documents upon request to the Fire Commission, Fire Marshal, or governmental entity overseeing the Department.

6.9. At least one member of the department shall be certified as a repairperson for SCBA (Self Contained Breathing Apparatus) or the department may show evidence of an agreement with, or documentation of yearly testing by a qualified repairman or firm/shop to provide such services.

6.9.1 For the purposes of this Rule, all SCBA equipment used by any department, or any member thereof, shall be positive pressure.

6.10. All fire pumps and hoses, and aerial apparatus shall be tested as at least annually for compliance with NFPA 1901, 1911, 1961 and 1962. Records of these tests shall be maintained by the department for a minimum of five (5) years and shall be produced by the department upon request of the Fire Commission, Fire Marshal, or governmental entity overseeing the Department.

6.11. All apparatus and associated equipment shall have met the standard for that particular apparatus or piece of equipment as set forth in NFPA 1901 in the year that the apparatus is and piece of associated equipment was manufactured, and shall be fully operable.

6.12. At all times, at a minimum, the following items shall be transported to the fire scene with the listed apparatus, provided that these items shall only be required if the apparatus is dispatched to an emergency scene:

6.12.1. Engine- as defined in NFPA 1901.

6.12.1.a. Current Motor Vehicle Inspection.

6.12.1.b. Current Emergency Vehicle Permit.

6.12.1.c. Fire Pump tested in accordance with subsection 6.10.

6.12.1.d. 24 foot extension ladder.

6.12.1.e. 14 foot straight ladder.

6.12.1.f. 800 feet minimum of 2 ½ inch or larger supply hose tested in accordance with subsection 6.10.

6.12.1.g. 400 feet minimum of 1 ½ to 2 inch attack hose tested in accordance with subsection 6.10.

6.12.1.h. sufficient number of nozzles.

6.12.1.i. two (2) pike poles or equivalent.

6.12.1.j. 1 pickhead axe.

6.12.1.k. 1 flathead axe.

6.12.1.l. 2 hand lights.

6.12.1.m. 1 dry chemical extinguisher.

6.12.1.n. 1 first aid kit.

6.12.1.o. 2 wheel chocks.

6.12.1.p. 1 SCBA pack (meeting NFPA 1981 standard) for each seat with one spare bottle for each pack.

6.12.1.q. 1 traffic vest for each seat.

6.12.2. Tanker- as defined in NFPA 1901.

6.12.2.a. Current Motor Vehicle Inspection.

6.12.2.b. Current Emergency Vehicle Permit.

6.12.2.c. If the unit contains a Fire Pump it shall be tested in accordance with subsection 6.10.

6.12.2.d. If the unit contains a Fire Pump 200 feet minimum of 2 ½ inch or larger supply hose tested in accordance with subsection 6.10.

6.12.2.e. If the unit contains a Fire Pump 400 feet minimum of 1 ½ to 2 inch attack hose tested in accordance with subsection 6.10.

6.12.2.f. If the unit contains a Fire Pump sufficient number of nozzles.

6.12.2.g. 2 hand lights.

6.12.2.h. 1 dry chemical extinguisher.

6.12.2.i. 1 first aid kit.

6.12.2.j. 2 wheel chocks.

6.12.2.k. 1 SCBA pack (meeting NFPA 1981 standard) for each seat with one spare bottle for each pack.

6.12.2.l. 1 traffic vest for each seat.

6.12.3. Aerial - as defined in NFPA 1901.

6.12.3.a. Current Motor Vehicle Inspection.

6.12.3.b. Current Emergency Vehicle Permit.

6.12.3.c. If the unit contains a Fire Pump it shall be Fire Pump tested in accordance with subsection 6.10.

6.12.3.d. Aerial unit tested in accordance with subsection 6.10.

6.12.3.e. If the unit contains a Fire Pump 800 feet minimum of 2 ½ inch or larger supply hose tested in accordance with subsection 6.10.

6.12.3.f. If the unit contains a Fire Pump 400 feet minimum of 1 ½ to 2 inch attack hose tested in accordance with subsection 6.10.

6.12.3.g. If the unit contains a Fire pump sufficient number of nozzles.

6.12.3.h. 4 Ladder Belts.

6.12.3.i. 2 hand lights.

6.12.3.j. 1 first aid kit.

6.12.3.k. 2 wheel chocks.

6.12.3.l. 1 SCBA pack (meeting NFPA 1981 standard) for each seat with one spare bottle for each pack.

6.12.3.m. 1 traffic vest for each seat.

6.12.4. Quint- as defined in NFPA 1901.

6.12.4.a. Current Motor Vehicle Inspection.

6.12.4.b. Current Emergency Vehicle Permit.

6.12.4.c. Fire Pump tested in accordance with subsection 6.10.



- 6.12.4.d. Aerial unit tested in accordance with subsection 6.10.
- 6.12.4.e. 300 feet minimum of 2 ½ inch or larger supply hose tested in accordance with subsection 6.10.
- 6.12.4.f. 400 feet minimum of 1 ½ to 2 inch attack hose tested in accordance with subsection 6.10.
- 6.12.4.g. sufficient number of nozzles.
- 6.12.4.h. 4 Ladder Belts.
- 6.12.4.i. 2 hand lights.
- 6.12.4.j. 1 dry chemical extinguisher.
- 6.12.4.k. 1 first aid kit.
- 6.12.4.l. 2 wheel chocks.
- 6.12.4.m. 1 SCBA pack (meeting NFPA 1981 standard) for each seat with one spare bottle for each pack.
- 6.12.4.n. 1 traffic vest for each seat.
- 6.12.5. Mini-Pumper - as defined in NFPA 1901.
  - 6.12.5.a. Current Motor Vehicle Inspection.
  - 6.12.5.b. Current Emergency Vehicle Permit.
  - 6.12.5.c. Fire Pump tested in accordance with subsection 6.10.
  - 6.12.5.d. 300 feet minimum of 2 ½ inch or larger supply hose tested in accordance with subsection 6.10.
  - 6.12.5.e. 400 feet minimum of 1 ½ to 2 inch attack hose tested in accordance with subsection 6.10.
  - 6.12.5.f. sufficient number of nozzles.
  - 6.12.5.g. 2 hand lights.
  - 6.12.5.h. 1 dry chemical extinguisher.
  - 6.12.5.i. 1 first aid kit.
  - 6.12.5.j. 2 wheel chocks.
  - 6.12.5.k. 1 SCBA pack (meeting NFPA 1981 standard) for each seat with one spare bottle for each pack.
- 6.12.6. Service Truck - as defined in NFPA 1901.
  - 6.12.6.a. Current Motor Vehicle Inspection.
  - 6.12.6.b. Current Emergency Vehicle Permit.
  - 6.12.6.c. 2 hand lights.
  - 6.12.6.d. 1 dry chemical extinguisher.
  - 6.12.6.e. 1 first aid kit.
  - 6.12.6.f. 2 wheel chocks.
  - 6.12.6.g. 1 SCBA pack (meeting NFPA 1981 standard) for each seat with one spare bottle for each pack.
  - 6.12.6.h. 1 traffic vest for each seat.

6.13. If an apparatus is not capable of transporting the required equipment, as set forth in subsection 6.12, to an emergency scene, a written plan must be kept on file, and be capable of being produced upon demand to the Fire Commission, Fire Marshal, or overseeing governmental agency, setting forth a detailed procedure for transporting all necessary equipment as detailed in subsection 6.12 to the emergency scene, which shall be strictly adhered to. The plan not being able to be produced, or the plan not being adhered to is a violation of this standard and may result in revocation of the department's certification.

6.14. At all times, departments shall maintain workers compensation coverage for all personnel.

#### **§87-8-7. Personal Protective Equipment.**

7.1. All personal protective equipment must have met NFPA standards for structural firefighting at the time of purchase by the current owner.

7.2. For structural firefighters, all personal protective equipment shall include the following:

- 7.2.1. Helmet;
- 7.2.2. Coat;
- 7.2.3. Pants;
- 7.2.4. Gloves;
- 7.2.5. Nomex Hood, or equivalent; and
- 7.2.6. Boots.

#### **§87-8-8. Penalty.**

Failure to maintain minimum levels of performance in training, equipment maintenance and performance standards in this rule shall make the department subject to removal of its certification, as set forth in West Virginia Code Rules § 87-6-1 et seq.; *Provided That*, except in situation of imminent danger to life or property, upon application, the Commission shall grant a department a 180 day period of correction, which may be extended upon good cause shown, during which the Commission shall assist a fire department in correcting deficiencies noted, facilitating training through West Virginia University or the West Virginia Department of Education, and in working with the with other involved parties, e.g. county commissions, municipal governments or county fire boards.