

Minutes from TIESB Meeting

9:00 AM – 1:00 PM

Friday, April 10, 2015

Phillips Headquarters

3010 Briarpark Dr

1st Floor Pinnacle Pwc

Houston, TX 77042-3706

I. Call to Order

Chairman Deel called the meeting to order at 9:20 a.m.

II. Roll Call

18 Members present: Rick Deel; Keith Russell; Gerald Sherman; Brett Steed; Terry Boyett; Todd Johnson; David Atkinson, Jr.; Brett Boren; Paul Hanneman; Steve Pepper; James Purcell; David Cave; Michael Barley; Jeff Hoffstadt; Kent Delaney; Robert Moore; Steve Pollock; Henry Perry; David Wade

2 Members absent: Rodney Kovalcik; Lee Ray Kaderli;

SFFMA Staff present: Kevin Creamer, Industrial Coordinator

III. Committee Members Review YTS Reports

The committees began reviewing the **11** submitted reports prior to the meeting at 9:00 a.m.

IV. Approval of Minutes from January 23, 2015.

On motion by Terry Boyette and seconded by Steven Pepper, the board approved acceptance of the minutes.

V. Action Items

A. February '09 Meeting Status

1. Verify with Trey Blocker if it would be better to insert in the Vehicle Criteria document to reference DSHS criteria with appropriate TIESB exceptions as warranted or leave alone. (Chuck Richardson – EMS Committee) **In Progress**

No report at this time.

B. April '13 Meeting status

1. Review vehicle registration signage & pin-striping requirements (Gerald Sherman) **In Progress**

There was an issue with the stickers as ordered, but should be resolved by the June meeting. All existing registrations have been pushed to December 31st of the expiring year and will appear on the membership renewal invoice.

C. June '14 Meeting status

1. Provide all current TIESB policy documents and establish 3-year review cycle. (Kevin Creamer) **Closed**
Mr. Creamer stated documents posted to the TIESB use page. Chairman Deel suggested review that each area's chairman to lead the review process when it comes up in the cycle.
2. Determine how many of the facilities submitting a 2013 YTS are meeting NFPA 1081 standards. (Kevin Creamer) **Closed**

F. October '14 Meeting status

1. E-mail new Board appointees to Rusty Kattner (Kevin Creamer) **Closed**
2. Appoint new committee liaisons (Speaker Selection, EMS, Certification, etc.) to replace Chuck Richardson (Rick Deel) **In Progress**

Chairman Deel appointed Lee Ray Kaderli to be the Certification committee liaison.

Mr. Creamer clarified the Speaker Selection committee helped to find individuals to speak or provide training at the conference. Chairman Deel asked who present regularly attended the conference. Mr. Wade stated that he was on the Speaker Selection committee representing the Past Presidents anyway and would be glad to serve.

Mr. Perry added that the liaison does not necessarily need to be a sitting member of TIESB, but can just be appointed to provide communication. Chairman Deel asked everyone to consider people they know who have a strong EMS background to provide information to him. David Wade suggested Tucker Andoe from Shell Deer Park. Terry Boyette suggested John Hollaway who will be eventually replacing him on the board.

3. Add policy documents to the website (Kevin Creamer) **Closed**
3. Confirm with DPS their requirements for 2nd party registration stickers regarding content and placement (Kevin Creamer) **In Progress**
4. Provide a list of facilities not current on membership to the board to review for updates to name changes, contact changes, etc. (Kevin Creamer) **Closed**

There was a suggestion of adding a name change form and posting it to the website.

5. Forward copies of all minutes to board members on CD. (Kevin Creamer) **Closed**
6. Add committee duties to roster (Rick Deel)

Mr. Deel asked if anyone remembered what this was. There was discussion that it was probably to post on the website so that people looking at the site (either board members or public) would know which committee to contact for issues.

G. January '15 Meeting status

1. Add a facility name change document to the website to ease updating of information (Kevin Creamer) **In Progress**
2. Provide vehicle registration information letter to David Wade for distribution to CIMA members. (Kevin Creamer) **In Progress**
3. Speak to Trey Blocker about getting an Attorney General opinion on limits of liability. (Chris Barron/Kevin Creamer)

Mr. Wade suggested there was some agreement for a need and the language that is currently in the statute is vague. Mr. Hanneman noted that previous legislation did provide some coverage, but not if individuals were with a plant. He further noted that there are several statutes that refer to it, but no clear guidelines probably until an incident occurs. Chairman Deel suggested that others had attempted to get clarification from the Attorney General without success. Mr. Hanneman stated it would provide coverage for Forest Service specifically so they would know if they could accept certain volunteers. He further suggested that Representative Bell might be the person to approach to get wording introduced. Mr. Wade suggested that after the current session to conference with the Texas Chemical Council, Rep. Bell, etc. to discuss the matter.

Mr. Deel asked Robert Moore as head of Codes/Standards committee to coordinate with the group to start looking at the issue to develop a list of needs, etc. Mr. Hanneman suggested he could help with this task as well. Mr. Purcell suggested that board members might be able to check with their legal departments to locate "gray areas" in the current statutes and provide suggested wording for review. Chairman Deel added Steve Pepper and James Purcell to the task.

4. Update website to link to Mutual Aid organizations (Kevin Creamer) **Closed**
5. Update website to add links to legislation/state codes (Kevin Creamer) **Closed**

H. April '15 Meeting status

1. Provide information on the possible new TCFP highway incident management requirement to SFFMA Certification Board (Robert Moore)
2. Contact John Hollaway from Chevron Phillips Cedar Bayou about serving as the EMS committee liaison (Terry Boyette)
3. Research option of adding a forum section to the TIESB use page. (Kevin Creamer)
4. Review of the signatory area of the YTS form for applicability for FMO use.
5. Discuss new TIESB logo design and check on new shirts (Kevin Creamer)

VI. Communications

A. Committee Reports

1-4. Area Committees

- a. Area 1 – Area Chair Brett Steed: 0 YTS for Area 1
- b. Area 2 – Area Chair Kent Delaney: 5 YTS for Area 2 were approved
 - i. Lubrizol Bayport – Advanced Exterior/Interior, Rescue, EMS, HazMat
 - ii. Lubrizol Deer Park – Advanced Exterior/Interior, Rescue, EMS, HazMat
 - iii. OxyVinyls – Advanced Exterior/Interior, Rescue, EMS, HazMat
 - iv. Sun Products – Advanced Exterior/Interior, Rescue, EMS, HazMat
 - v. Celanese Chemical – Advanced Exterior/Interior, Rescue, EMS, HazMat
Provisionally approved pending answer to question about bunker gear meeting NFPA requirements.
- c. Area 3 – Area Chair David Cave: 3 YTS for Area 3 were approved
 - i. Sweeny Complex Chevron Phillips – Advanced Exterior/Interior, Rescue, EMS, HazMat
 - ii. Sweeny Complex Phillips 66 – Advanced Exterior/Interior, Rescue, EMS, HazMat
 - iii. INEOS Nitriles – Advanced Exterior/Interior, Rescue, EMS, HazMat
Provisionally approved pending amount of SCBAs on site.
 - iv. BASF – Advanced Exterior/Interior, Rescue, EMS, HazMat
Said does not have org statement but is required by OSHA on P2, resubmit on new form.
- d. Area 4 – Area Chair Keith Russell: 1 YTS for Area 4 was approved
 - i. Westlake Chemical – Advanced Exterior/Interior, Rescue, EMS, HazMat

5. Codes, Standards & Legislation Committee – Robert Moore

Mr. Moore reported that the legislative session is currently ongoing and there are a lot of bills out there that may affect the fire service. Mr. Perry reviewed the current slate of bills.

HB 50 by Martinez relating to certain diseases and illnesses suffered by firefighters and EMTs

There was discussion that if a firefighter dies from certain diseases that they would receive LODD benefits.

HB 105 and 103 relating to volunteer firefighters. SB did pass out of the senate

HB 120 relating to the purchase of food and beverage by TDEM for certain personnel.

There are several bills relating to certain counties adopting a fire code but have been bracketed together to the state level.

HB 417 relating to the storage of certain hazardous chemical materials by Pickett

Mr. Moore noted that this bill keys in on ammonium nitrate, but they are lumping it in with a bunch of other chemicals. He stated that when he testified to Rep Pickett's committee there were more chemicals transported and stored in the state that are more difficult than ammonium nitrate which shifted the discussion. Chairman Deel noted that Fire Marshal Connealy was really pushing this issue to be able to inspect facilities. There was general discussion of the many hazardous chemicals that are dealt with on a daily basis and the various agencies responsible for tracking and reporting.

SB 528 by Birdwell relating to the storage of certain chemicals and transfer of reporting requirements and civil penalties from DSHS to TCEQ.

Volunteer Protection Bill (SB 237) relating to the licensure of volunteer firefighters would also cover industrial emergency response teams. The Senate bill has been passed and is now in the House committee. Both bills are sitting there in committee so we may need action to help move it. Executive Director Barron had sent out an e-mail to everyone about testifying.

Mr. Moore noted that at the TCFP meeting they approved and published a potential new requirement for FF I & II to have the 4-hour federal highway incident management course being

pushed by Chief David Covington. TCFP is pushing to make it a requirement along with hazmat awareness and operations. The effect to SFFMA would be to add this as a requirement in addition to SFFMA FFII, unless SFFMA adds it to the curriculum. They are working to possibly offer online. On a question from Mr. Creamer, Mr. Moore stated it could possibly be voted on at the next TCFP meeting which is in July to be effective in 2020.

Mr. Moore noted that with the new Governor in office, some TCFP appointees may not be reappointed. There are currently 13 commissioners with the possibility of half being reappointed.

On question from Mr. Moore, Mr. Lohmeyer stated that the 5-year NFPA cycles come around pretty quickly. 472 is currently out and TEEX had been teaching to the new standard since January. They're currently working on 1006: Rescue.

Mr. Moore asked for TIESB support for his run for CFPS.

6. Board Membership – Robert Moore

Mr. Moore said he'd received an e-mail regarding an application, and that there are currently 2 slots open (14 and 15). Mr. Creamer noted that the individual in questions' facility was not currently a member of SFFMA, so Mr. Moore said he would hold the application pending their membership.

Mr. Moore said he'd received word that Bud Melder, a former member of TIESB, may be interested in rejoin the board but had not received any official notification. Mr. Moore was waiting for Mr. Melder to make contact.

Chairman Deel welcomed David Atkinson to his first TIESB meeting.

7. TEEX Advisory Board – Keith Russell

Mr. Russell reported that during the meetings in the past year they had been improving on the information provided. He further reported that there were consistencies between the different schools offered and all are improving.

Mr. Moore added that the rescue building that had been discussed for quite some time is now under construction.

The rail car prop is currently under construction and they're just waiting on a hopper car to arrive but should be ready in June. There was discussion of the structural stability of rail cars v. vacuum pressure.

TEEX plans on putting in a 20- to 30-car derailment toward the back of the disaster city as an alternative to Pueblo, Colorado. Several board members suggested they might have cars to provide to the project.

On question from a board member, Mr. Lohmeyer provided information on the TEEX virtual driving simulator. This year at TCC he would be providing and XVR session. There was discussion of whether it might be expanded into an EOC class which Mr. Lohmeyer said might be a second phase.

There was discussion of the use of drones at TEEX and restrictions of use as well as benefits to use.

Mr. Purcell discussed the improvements of the spill response training at the Galveston campus. Mr. Moore reported TEEX as spending \$1.5M on that area.

There was discussion of Billy Parker's retirement from USAR and Mr. Moore reported he would be returning to TEEX on a part-time basis. Jeff Saunders is to take over from him.

8. Texas Chemical Council – Rick Deel

Mr. Deel reported he had gone to the Occupational Safety meeting and that they were reviewing legislation regarding safety.

Training Committees

9. EMS – Chairman TBA

Chairman Deel asked if Terry Boyett to reach out to Jeff Hollaway from Chevron Phillips Cedar Bayou.

10. HazMat – Lee Ray Kaderli
NFPA 472 previously discussed under Codes & Standards.

Mr. Moore reported that before the derailment props TEEX hoped to put in a dome simulator building under cover.

Mr. Steed discussed global harmonization (GHS) signs and what Enterprise planned to do with their large floating roof tanks and bullet tanks and how to label them. His recommendation was to not do anything, but to continue with their current method of using the NFPA 704 diamonds and also listing the product name beside the diamond. He stated most of the GHS documentation talks about small containers but the can be used for storage tanks but the standard allows for alternate signage. He further stated that all but one of the organizations he had contacted had also stated would be using their 704 labels. Mr. Purcell stated they were following the same guidelines that they had their own labelling system. Mr. Steed added they would be adding the new GHS style labels for locations with acid or very toxic chemicals, but without their numbering system which is inverted to the NFPA 704 (which GHS allows).

Mr. Moore added that TEEX had been providing a lot of crude by rail training and that an issue they encountered was a lack of JPRs. They planned to approach the 472 committee for information and guidance for railcar fire fighting.

11. Marine Fire Fighting – Rodney Kovalcik
Chairman Deel noted there had been some marine incidents around the ship channel. There was discussion of some of the incidents.
12. Industrial Fire Fighting – Keith Russell
Mr. Russell stated there was nothing that couldn't wait until industrial fire school.
13. Organizational Membership – David Cave
Mr. Cave stated had been working with LyondellBasell. Mr. Wade added that one of the Lyondell guys from the Bayport area had said one or two of their facilities were members of SFFMA and they had interest in getting into the firefighter pension program as a retention perk. There was discussion on whether this would require a statutory change as well as corporate hurdles.

Chairman Deel noted this should be a topic for discussion at the workshop session in June.
14. Texas A&M Forest Service and State Incident Management Team – Paul Hanneman
Mr. Hanneman reported that at the last meeting they had had the Texas IMT Conference in Galveston which was well attended. Next year they anticipate going to Kerrville or Embassy Suites in San Marcos. The course sponsorship by CIMA is still on track with discussion of the course.

During the legislative session there has been an increase in the 2604 funding for volunteer fire departments possibly to \$18M (and maybe an additional amount). For TIFMAS they did request an additional \$1M but it had not been approved in either the House or Senate, so is probably a dead issue.

Chairman Deel noted that at the National Hurricane Conference he had discussed with Justin Nokes, Corporate Emergency Manager for HEB, about when he rotated off of the IMT Steering Committee next year he would be interested in the position.
15. Certification Committee – Lee Ray Kaderli
Mr. Moore stated that since he'd been on the board that the topic of certification had been discussed but no action had been taken. He questioned what the goal of such a program would be and whether it would be voluntary. Chairman Deel noted that this was one of the topics for the

workshop to allow a lengthy discussion but did not think the idea was to make it mandatory but to provide a good standard for companies to reach.

There was discussion that some states require IFSAC certification to 1081 in order to be an industrial firefighter. Mr. Perry questioned whether there was a need to create a certification and Chairman Deel stated that was a topic for further discussion at the workshop. Mr. Perry clarified that the Certification Board could offer an NFPA 1081 certification if that were the suggestion of TIESB, but they would be limited to offering NFPA based certifications.

16. Industrial Fire School – Lee Ray Kaderli

Mr. Kaderli added to the previous discussion that as an industrial group at their next meeting they would be reviewing the leadership chart. Mr. Lohmeyer discussed changes to the 1081 program – more sections but smaller groups. Mr. Moore added that some of the problems in the past was that students were required to perform skills on which they had not received training. TEEX tested the format in December with about 120 students with a favorable response. There was discussion that enrollment across all of the July schools is below that of previous years at this time possibly due to the strike and low oil prices.

17. Vehicle Registration – Gerald Sherman
Previously discussed.

18. TIESB Marketing – David Wade
No report. Topic was added for discussion at the June workshop.

B. Executive Director’s Report – Chris Barron
No report.

C. Industrial Coordinator Update – Kevin Creamer

Mr. Creamer reported that he had been updating the TIESB use page to include the requested documentation during the meeting. The updated minutes have been finalized and posted along with a full board group e-mail address.

So far only 47 facilities had renewed after two notices so physical invoices will go out on Monday. The full roster is posted on the website for board review. Mr. Wade noted there should be more than that just in the CIMA area, and Mr. Creamer noted that with the roster on the website he can review and contact the ones not listed.

Mr. Purcell suggested adding a question forum which Mr. Creamer said he would research. On a question regarding the public side of the website, there was comment that it was not very user friendly. Mr. Creamer said he would review and welcomed any input from the board.

VII. Old Business

A. TFS/TIESB Annual Meeting with Industrial Mutual Aid Groups – Rick Deel

Chairman Deel noted that they’re compiling a list of items for discussion.

B. Industry involvement with TIFMAS – Paul Hanneman

No report.

C. Workshop Prior to June Meeting – Rick Deel

On a motion and second, the board voted to have a workshop at 9:00 am on Thursday, June 11 prior to the next TIESB meeting.

VIII. New Business

A. Fire Marshal’s Office/TIESB Discussion

Mr. Deel asked Mike Montgomery, Harris County Fire Marshal, who also serves on the TEEX Advisory Board to address the board. Mr. Montgomery noted that before his career in the fire service he had worked in the oil and gas industry. He also serves as an alternate on the NFPA 472 committee.

Mr. Montgomery noted that as a result of the West and DuPont incidents there is a lot more concern about safety at industrial plants in the public consciousness. One of the challenges his office faces on a daily basis is a request for information and why Harris County isn't doing more to regulate industry.

There was discussion of current statutes for unincorporated areas that the Fire Marshal's Office relies on (with handout from Mr. Montgomery). Local Government Code 352 subchapter B which establishes the authority of the local fire marshal exclusively in unincorporated portions of the county. Local Government Code 233 Subchapter C which specifically allows certain counties to adopt a fire code. There are at least 2 bills currently in the legislature to extend that authority for counties to adopt a fire code by dropping the population bracket.

Regardless of whether the legislature passes, 352 still allows enough authority for the Fire Marshal in counties to do the fire and life safety work in those areas where they have jurisdiction without establishing a fire code. The key difference is that under 233 a county can require building permits and charge a fee; 352 does not have this option. Under 233 an industrial facility with a fire brigade meeting OSHA requirements is exempt from county fire codes, but there is no further definition of what an industrial facility is and no further clarification of what "a fire brigade meeting OSHA requirements" is. Although the facility is exempt under 233 it is not exempt under 352 because under 352 there is a clause that says the local county fire marshal shall conduct an inspection if called on to do so and does not restrict who can call on the fire marshal to do so.

The issues to resolve are that under 233 the exemption would make sense to be the normal idea of a facility with an ERT, but it can include those trained only to incipient stage. A year and a half ago their office had a plant come in and because they were a community craft shop operating in a church, they were trying to get the entire church exempted by claiming they were an industrial facility with a fire brigade because they were going to train people to use extinguishers. The FMO has also had multiple open records requests on when the last inspection of specific facilities was and the answer is "never". They're subject to inspection, but the request has never been made as the FMO does post-incident recommendations.

Mr. Montgomery's suggestion was that in the absence of a clear OSHA definition and no verification process, was that TIESB, through their YTS process, could serve as a resource for the FMO in investigations. He requested the board to consider allowing the Harris County FMO to accept the YTS as documentation and not require further documentation. Mr. Montgomery said the goal was to control the process prior to any legislation being presented for them to follow.

There was discussion of the benefit to the member facilities in Harris County to accept the reports that could possibly be expanded statewide. On question from a board member Mr. Montgomery stated that reports presented to the Harris County FMO would become public record, but clarified it could be an "opt in" process. There was clarification from the board that the FMO would be looking for a certificate back from TIESB that the YTS was approved and suggestion was made to verify with Mr. Creamer that the YTS was actually approved.

Chairman Deel suggested a review of the signatory area of the YTS to determine if it provides the verification needed, also a review of basic parameters and further discussion.

B. Policy Document Review

Chairman Deel added this as an item to work on at the June Workshop.

IX. Announcements

A. Ex-Officio Members

None.

B. Roundtable Discussion

None.

D. Next Meeting

2. June 11th, 2015 – 9am – Moody Gardens, Galveston
3. June 12th, 2015 – 8am to Noon – Moody Gardens, Galveston
4. October 23rd, 2015 – Citgo, Corpus Christi

X. Adjourn

The meeting adjourned at 2:30 p.m.

GUESTS:

Mike Montgomery – Harris County Fire Marshal

Gordon Lohmeyer – Texas A&M Forest Service