



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Fire Commission TITLE-SERIES: 87-12
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 87-12 Junior Firefighters

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §15A-11-8.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §15A-11-8(m) states the "State Fire Commission shall" propose "emergency legislative rules for promulgation" in accordance with code "to specify what activities junior firefighters may and may not participate in."

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/29/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/29/2026

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes the parameters for Junior Firefighters responding to, and operating on a fire scene. The proposed amended rule updates the filing date, effective date and extends the sunset date. Also, in section 6 of the proposed amended rule, language is updated in the rule consistent with the language in HB 4005 which passed during the 2026 Regular Legislative Session.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The rule is required to establish the parameters for junior firefighters responding to and operating on a fire scene.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

0

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes
Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION**

**SERIES 12
JUNIOR FIREFIGHTERS**

§87-12-1. General.

1.1. Scope. -- This rule establishes the parameters for Junior Firefighters responding to, and operating on a fire scene.

1.2. Authority. -- W. Va. Code §15A-11-8.

1.3. Filing Date. -- ~~May 5, 2022.~~

1.4. Effective Date. -- ~~August 1, 2022.~~

1.5 Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, ~~2027~~ 2032.

§87-12-2. Child Labor Regulations.

2.1. The Commission intends for the provisions of this rule to supplement, and not supersede, the regulations set forth in the Child Labor Rule, W. Va. Code R. §42-9-1.

§87-12-3. Definitions.

3.1. As used in this rule, the following terms shall mean:

3.1.a. Junior Firefighter - a person who is the age of 16 or 17 who is a member of a Fire Department.

3.1.b. Emergency Apparatus - Firefighting and response vehicles used by a Fire Department or by Fire Department Personnel, to respond to an emergency scene: Provided, That, a personal vehicle which has been issued an Emergency Vehicle Permit is only included in this definition if the lights and sirens are engaged, and the vehicle is responding to an emergency scene.

3.1.c. Non-member minor - Any Minor child under the age of 18 who is not a member of a Fire Department.

3.1.d. Firefighter One modules -- the activities trained during the modules of this class are attached as Appendix A and are incorporated into this rule.

§87-12-4. Emergency Apparatus Responding to a Fire or Emergency Scene.

4.1. Junior Firefighters who have not completed at a minimum Modules 1 and 2 of Fire Fighter 1, shall not travel on an emergency apparatus while the apparatus is traveling to or from a fire or an emergency scene.

4.2. Junior Firefighters who have completed at a minimum Modules 1 and 2 of Fire Fighter 1, may

travel on an emergency apparatus either while the apparatus is traveling to or from a fire or an emergency scene, or not traveling to a fire or emergency scene: *Provided*, That the Junior Firefighter is properly belted in and follows all safety procedures while traveling on the emergency apparatus.

§ 87-12-5. First Aid at a fire or emergency scene.

5.1. Junior Firefighters who have not completed Basic First Aid and CPR training, shall not be permitted to administer first aid at any time on an emergency or fire scene.

5.2. Junior Firefighters who have completed Basic First Aid and CPR training, may administer first aid at a fire or emergency scene: *Provided*, That the Junior Firefighter shall not do so inside the fire scene area, or in a building or structure until the emergency or fire has been declared under control by the official in charge. *Provided further*, That any Junior Firefighter administering first aid but be under the direct supervision of a certified fire fighter over the age of 18.

§87-12-6. Other functions which may be performed by Junior Firefighters.

6.1 Once a Junior Fire Fighter completes at a minimum any module of Firefighter One, or who has completed the Firefighter One training in full, the Junior Fire Fighter may perform any activities at a fire or emergency scene which they have completed training within modules one or two of Firefighter one, while under direct supervision of a certified firefighter over the age of 18. ~~Under no circumstances may a Junior Firefighter perform any activities trained in modules three or four of Firefighter One at a fire or emergency scene.~~

6.1.a. A child at least 16 years old but under 18 years of age may be employed or permitted to work in any occupation not otherwise prohibited by W. Va. Code §21-6-2(a), §21-6-2(b) or §21-6-2(c), or which is expressly prohibited by West Virginia state law, or expressly determined by the Commissioner of Labor by legislative rulemaking to be dangerous or injurious: *Provided*, That a child between the ages of 16 and 18 years who is enrolled in, participating in, or has completed the minimum training requirements of the West Virginia State Fire Commission, West Virginia Department of Education Public Service Training, or West Virginia University fire service extension, or equivalent approved program, and who has the written consent of his or her parent(s) or guardian(s), may be employed by or elected as a member of a volunteer fire department to perform firefighting functions: *Provided*, however, That no child may be permitted to operate any fire fighting vehicles, enter a burning building in the course of his or her employment or work or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger exposing the child to physical harm by reason of impending collapse of a building or explosion, unless the child is under the immediate supervision of a fire line officer.

§ 87-12-7. Non-member minors; Minors under the age of 16.

7.1. Non-member minor children, or any minor under the age of 16 may not participate in any activity provided for in this rule, but may ride on an emergency apparatus while it is not in service: *Provided*, That the minor child is properly belted in and follows all safety procedures while traveling on the emergency apparatus.

Appendix A

WV Fire Commission
Modular Firefighting Training Pilot Program

Tasks that can be performed at the end of each module:

Module 1

Wear structural firefighting gear Ride on a fire apparatus Answer station phone
Talk on a two-way radio
Deploy traffic and scene control devices Make hydrant and FDC connections
Stretch hose lines (Exterior fire ground) Deploy Master streams
Assist set up for drafting operations Clean and inspect hose Perform first aid and CPR
Operate within the parameters of an Incident Command System
Operate at the Awareness level at a Haz Mat incident -- Identify, Isolate and Notify.

Module 2

Use, inspect and clean SCBA Use Fire Extinguishers
Hoist equipment and hose with rope Use hand tools
Inspect, maintain, clean and deploy ladders Set up exterior illumination
Operate exterior fire attack lines Operate at Wildland Fire Incidents Operate Master Streams

Module 3

Operate at the Haz Mat Operations level of a Haz Mat Incident

WV Fire Commission
Modular Firefighting Training Pilot Program

Module 4

Interior fire attack Forcible Entry Search and Rescue
Salvage and Overhaul Ventilation
Operate as a member of RIT
Climb and work from ladders
Secure building utilities