

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #6

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SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: West Virginia State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 3


TITLE OF RULE BEING PROPOSED: Hazardous Substance Emergency Response  
Training Program

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 748

SECTION 164-2-29(3)(5), PASSED ON March 14, 1987

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: June 12, 1987

  
Arnett B. Corley, Jr.  
State Fire Administrator

V.A. State Fire Commission

MAY 12 1987

RECEIVED

STATE OF WEST VIRGINIA



WILLIAM D. SITES  
Chairman

BILL SPENCER  
Vice-Chairman

RONALD A. KYLE  
Secretary

ARCH A. MOORE, JR.  
Governor

STATE FIRE COMMISSION  
Capitol Complex

Charleston, West Virginia 25305  
Telephone (304) 348-2191

May 20, 1986

ARNETT B. CORLEY, JR.  
State Fire Administrator

WALTER SMITTLE, III  
State Fire Marshal

The Honorable Ken Hechler  
Secretary of State  
Suite 157 W  
State Capitol Building  
Charleston, West Virginia 25305

FILED  
1986 MAY 20 PM 1:56  
RICHARD W. HARRIS  
SECRETARY OF STATE

Dear Secretary Hechler:

Enclosed please find two (2) copies of a proposed legislative rule, fiscal note, and notice of public hearing as related to HB 1266 (1986) (West Virginia State Code §29-3-5a and §55-7-17), entitled "Hazardous Substance Emergency Response Training Program."

The State Fire Commission officially adopted this proposed legislative rule at their regularly scheduled meeting held in Charleston on May 16, 1986 and authorized filing these documents and scheduling of a public hearing.

Please stamp both copies and return one to this office for our files.

Your assistance in this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Arnett B. Corley, Jr.".

Arnett B. Corley, Jr.  
State Fire Administrator

Enclosures  
ABC/gb

STATE OF WEST VIRGINIA



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Chairman

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ARNETT B. CORLEY, JR.  
State Fire Administrator

WALTER SMITTLE, III  
State Fire Marshal

MEMORANDUM

TO: Mr. Richard O. Hartman, Director  
Administration Division  
Secretary of State's Office

FROM: Arnett B. Corley, Jr. *ABCJR*  
State Fire Administrator

DATE: October 27, 1986

SUBJECT: Hazardous Substance Emergency Response Training Program  
Series 3

The attached copy of the above subject legislative rule reflects the rule as modified and approved by the Legislative Rule Making Review Committee.

This rule was filed with the Secretary of State and the Legislative Rule Making Review Committee on August 1, 1986, for both normal review process, and as an Emergency Rule.

Please enter this into your files to reflect the rule in its modified format.

Enclosure  
ABCJR/gb

FILED  
1986 OCT 28 AM 11:51  
OFFICE OF THE SECRETARY OF STATE

Rec  
COMM MEET  
9-70-86

HAZARDOUS SUBSTANCE EMERGENCY RESPONSE TRAINING PROGRAMS

Legislative Rule  
of the  
The State Fire Commission

Series 3

WEST VIRGINIA LEGISLATIVE RULE  
STATE FIRE COMMISSION  
CHAPTER 29-3-5A  
SERIES 3

Title: Hazardous Substance Emergency Response Training Programs

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~~WEST VIRGINIA LEGISLATIVE RULE~~  
~~STATE FIRE COMMISSION~~  
~~CHAPTER 29-3-5A~~  
SERIES 3

Title: Hazardous Substance Emergency Response Training Programs

SECTION 1. GENERAL

1.1 Scope - These regulations establish the rules and regulations deemed necessary by the State Fire Commission for establishing criteria for qualified training programs in hazardous substance emergency response activities and procedures for such qualified training programs to be certified by the state fire marshal.

1.2 Authority - These rules and regulations are issued under authority of West Virginia Code, Chapter 29, Article 3, Section 5a.

1.3 Filing Date - ~~August 1, 1986~~

1.4 Effective Date -

SECTION 2. PROCEDURES FOR CERTIFICATION OF TRAINING PROGRAMS

2.1 Any person, firm, corporation, or governmental entity may request certification of their hazardous material response training program by submitting a copy of the program to the State Fire Marshal.

2.2 The desired program level of certification such as first response or industrial must be designated.

2.3 The instructional program curriculum must address each of the topics as outlined in Section 4.4 or 4.5 of this rule.

2.4 The State Fire Marshal shall approve the program contingent upon compliance with Section 4 of these rules and regulations.

Fire Commission  
Leg. Rule, 29-3-5A  
Series 3, Sec. 3

SECTION 3. ~~RECORD OF PARTICIPATION~~ - The individual organization, agency, department or enterprise is responsible for maintaining a record of those individuals receiving the appropriate training.

SECTION 4. ~~CRITERIA FOR QUALIFIED TRAINING PROGRAM IN HAZARDOUS SUBSTANCE EMERGENCY RESPONSE ACTIVITIES~~

4.1 SCOPE. The hazardous substance emergency response training programs (HSERTP) must include the evaluation of hazardous materials'/substances' emergency threat to people, property, and environment. The HSERTP should utilize the analytical method of study regarding the behavior(s) of hazardous substance(s)/material(s).

4.2 GOAL. The goal of every HSERTP is to provide emergency personnel with the knowledge necessary to analyze a hazardous materials incident before selecting appropriate action alternatives.

4.3 ~~DEFINITIONS.~~

4.3.1 "Hazardous substance or material" means any "hazardous substance" as defined in subsection (g), section three, article thirty-one, chapter sixteen of this code, any "chemical substance and materials" listed in the rules and regulations promulgated by the commissioner of labor pursuant to section eighteen, article three, chapter twenty-one of this code, and any "hazardous waste" as defined in subdivision (7), section three, article five-e, chapter 20 of this code.

4.3.2 First Emergency Response Personnel, i.e. Fire, Police, are the earliest in time or succession of the arrival of emergency personnel at the scene of an incident involving a hazardous substance(s).

4.3.3 Industrial Response personnel are employees of an industrial enterprise who are trained/instructed in the techniques of mitigation of hazardous substance(s).

4.3.4 Hazardous Substance Emergency Response Training Program (HSERTP) is a structured program which provides instruction to personnel on the response capabilities for mitigation of a hazardous substance(s) incident.

#### 4.4 ~~FIRST RESPONSE PERSONNEL PROGRAM~~

4.4.1 The instructional program curriculum shall provide knowledge of the following sequence of events common to most hazardous substance incidents:

4.4.1.1 APPROACH TO THE SITE: The course must provide instruction on the recognition of identifiable clues of hazardous substances that indicates a potential danger which requires first emergency response personnel to approach the incident cautiously.

4.4.1.2 IDENTIFICATION OF HAZARDS: The course must provide instruction in recognizing the methodology for identifying hazardous substances and use of available resources for identification.

4.4.1.3 SECURITY OF THE SITE: The course must provide instruction in procedures for isolating the site to assure the safety of persons, property, and the environment.

4.4.1.4 OBTAINING HELP: The course must include instruction on training procedures for requesting assistance from responsible agencies, CHEMTREC, etc.

4.4.1.5 ENTRY TO THE SITE: The course must include instruction on the principal facts relating to the use of personal protective equipment and rescue of persons, without compounding the problem.

#### 4.5 ~~INDUSTRIAL HAZARDOUS MATERIAL RESPONSE PROGRAMS~~

4.5.1 The industrial training program shall provide instruction on knowledge of:

4.5.1.1 The chemical properties or reference sources to obtain the chemical properties of the substance such as:

4.5.1.2 Flammability

4.5.1.3 Health Risks (To emergency response personnel)

4.5.1.4 Reactivity

4.5.1.5 Environmental concerns

4.5.1.6 Fire extinguishment methods

4.5.1.7 Synonyms, trade names, etc.

4.5.2 Shipping Containers:

- 4.5.2.1 Design criteria
- 4.5.2.2 Recommended materials of container construction
- 4.5.2.3 Valve locations & operation
- 4.5.2.4 Container Markings (identification)

4.5.3 Appropriate personal protective equipment such as:

- 4.5.3.1 Self contained breathing apparatus, respirators, etc.
- 4.5.3.2 Chemical Suits (if necessary)
- 4.5.3.3 Others as required

4.5.4 Use of monitoring equipment:

- 4.5.4.1 Toxic gas or vapor detection devices
- 4.5.4.2 Combustible gas measuring devices
- 4.5.4.3 Other appropriate test equipment

4.5.5 Hazard mitigation techniques such as:

- 4.5.5.1 Diking/Containment
- 4.5.5.2 Container patching/repair
- 4.5.5.3 Sorbent materials
- 4.5.5.4 Neutralizing agents
- 4.5.5.4 Use of water fog patterns
- 4.5.5.5 Fire fighting foam and special additives
- 4.5.5.6 Transloading

4.5.6 Decontamination of:

- 4.5.6.1 Personnel
- 4.5.6.2 Equipment
- 4.5.6.3 Environment

H. B. 2605

(By Delegate Knight)

(Introduced February 4, 1987; referred to the  
Committee on Political Subdivisions then  
Judiciary)

A BILL to amend and reenact section twenty-nine (three)(five-a),  
article two, chapter sixty-four of the code of West Virginia,  
one thousand nine hundred thirty-one, as amended, relating to  
authorizing the state fire commission to promulgate  
legislative rules relating to the hazardous substance  
emergency response training program.

Be it enacted by the Legislature of West Virginia:

That section twenty-nine (three)(five-a), article two,  
chapter sixty-four of the code of West Virginia, one thousand  
nine hundred thirty-one, as amended, be amended and reenacted to  
read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE  
LEGISLATIVE RULES.

§64-2-29(3)(5a). State fire commission.

(a) The legislative rules filed in the state register on the  
third day of January, one thousand nine hundred eighty-four,  
relating to the state fire commission (state fire code) are  
authorized with the amendments set forth below:

2605

1 Page 1, § 106, line 1, after the word add the words "personal  
2 care homes caring for five or less patients or"; and

3 Page 26, § 11.06(3)A.(3). Strike the period at the end of the  
4 sentence and add the words "except for existing sleeping rooms  
5 owned by the state and located in dormitories or state parks."

6 (b) The legislative rules filed in the state register on the  
7 first day of August, one thousand nine hundred eighty-six,  
8 modified by the state fire commission to meet the objection of  
9 the legislative rule-making review committee and refiled in the  
10 state register on the twenty-eighth day of October, one thousand  
11 nine hundred eighty-six, relating to the state fire commission  
12 (hazardous substance emergency response training program), are  
13 authorized.

14 NOTE: The purpose of this bill is to authorize the State Fire  
15 Commission to promulgate legislative rules relating to the  
16 Hazardous Substance Emergency Response Training Program.

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18 Strike-throughs indicate language that would be stricken from  
19 the present law, and underscoring indicates new language that  
20 would be added.

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Senate Bill No. 373

(By Senator Tucker)

[Introduced February 5, 1987; referred to the Committee  
on EIA ; then to  
the Committee on the Judiciary.]

A BILL to amend and reenact section twenty-nine (three)(five-a),  
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