

Burgos, Alexander N

Subject: FW: State Fire Marshal: Rules for RRC Review
Attachments: 11 NCAC 05A .0909 v2.docx; 11 NCAC 05A .0911 v2.docx

From: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Sent: Thursday, May 21, 2026 2:36 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bailey, Tony W <Tony.Bailey@ncdoi.gov>; svc_OSFM.Rulemaking <OSFM.Rulemaking@ncdoi.gov>
Subject: RE: State Fire Marshal: Rules for RRC Review

Good afternoon, Chris,

Thank you again for your continued review of these rules and for outlining your concerns regarding the fiscal note issue. We appreciate your thoughtful feedback and the opportunity to discuss these issues further.

After reviewing your examples more closely, it seems to us that the amendments raising potential fiscal note questions generally fall into two separate categories. First, certain amendments reference or align with obligations that are already independently imposed by statute, such that any associated fiscal impacts preexist the current rulemaking and do not arise from the proposed amendments themselves. Second, several of the remaining amendments involve situations in which a local government unit could choose to alter future operational or purchasing decisions following a rule change, but where the rule itself does not require or directly cause any identifiable fiscal consequence.

1. Rule Amendments Reflecting Existing Statutory Duties

With respect to Rules .0909 and .0911, the agency believes the issue is resolved by G.S. 58-79-45(b), a statute that I should have added to the authority section of the history notes for those rules. Candidly, it was not included in the previous history notes, and I overlooked it during the rule drafting process. G.S. 58-79-45(b) already requires fire departments retain fire incident reports for a period of five years. See N.C. Gen. Stat. § 58-79-45(b) (“The fire department and the fire marshal or county commissioners to whom reports are sent shall retain the [incident] reports for a period of five years.”). The statute substantially predates the current rulemaking.

Accordingly, the agency does not believe the amendments to Rules .0909 or .0911 impose any new records retention obligations or corresponding fiscal impact on any units of local government. I have corrected that oversight in the attached revised copies of those rules.

2. Rule Amendments Involving Speculative or Contingent Fiscal Effects

We certainly understand your point that the APA encompasses both increases and decreases in local government expenditures, and we agree that G.S. 150B-21.4(b) requires a fiscal note where a rule change would result in a decrease in local government expenditures. However, OSFM reads the statute’s use of the phrase “would affect” to require something more concrete than the mere possibility that a local government unit could, at some point in the future, make discretionary operational or purchasing decisions that might affect expenditures. See N.C. Gen. Stat. § 150B-21.4(b) (“Before an agency publishes in the North Carolina Register the proposed text of a permanent rule change that **would** affect a unit of local government, it must submit the text of the proposed rule change and a fiscal note on the proposed rule change....”).

In other words, the agency's position is not based on the size or direction of any hypothetical fiscal impact, but rather on the distinction between fiscal effects that *would* result from the rule change itself and fiscal effects that *could* occur depending on independent choices made by individual departments after the rule change.

The agency understands the General Assembly's use of the auxiliary verb "would" in G.S. 150B-21.4(b) as requiring a direct and reasonably foreseeable fiscal consequence, rather than a merely conceivable or contingent downstream effect. Grammatically and contextually, the modal "would" denotes an expected consequence of the operative rule change. Had the legislature intended to require a fiscal note whenever a rule change *could* potentially influence local expenditures or revenues, it would have employed broader language triggering the requirement, such as "could," "may," or "might." Instead, the statute ties the fiscal note requirement to rule changes that "would" affect local governments, which the agency understands as requiring a direct and reasonably anticipated fiscal consequence attributable to the rule itself.

To illustrate this distinction under amended Rule .0905, the rule simply provides another option for the provisioning of traffic vests *without removing the previous compliance method*. While it is theoretically possible that a local fire department *could* choose to purchase fewer traffic vests at some future date, that outcome remains entirely discretionary. The rule itself neither requires a reduction in expenditures nor automatically alters any local budgetary obligation. Accordingly, the agency does not believe the amendment would affect the expenditures or revenues of a local unit of government within the meaning of G.S. 150B-21.4(b).

The same is true of Rule .0906 – the addition of subparagraph (a)(2) again provides an alternative method of compliance with the rule, and does not require any fire department to increase or decrease staffing levels. The amendment to paragraph (b) is likewise a permissive clarification affording departments additional operational flexibility in structuring response coverage among existing stations within an already-established fire district. The rule does not require the construction of additional stations, increased staffing, or expanded deployment obligations, but instead clarifies how departments operating multiple stations may satisfy existing response expectations. Any resulting fiscal effects would therefore depend upon subsequent discretionary operational decisions by the department rather than arising directly from the rule itself.

Of course, we understand and respect that you may take a differing interpretation of the statute, and we appreciate you raising the concern in advance of the meeting. In light of the agency's position as set forth above, would you be willing to let us know whether you anticipate recommending approval of the rules to the Commission notwithstanding the fiscal note issue, or whether you expect to recommend objection on procedural grounds? I will certainly be present at the RRC meeting next week and would be happy to answer any questions the Commissioners may have regarding the rules or the agency's reasoning.

Thank you again for your time and assistance throughout this process.

Best regards,
Kyle

Kyle Heuser
Assistant General Counsel

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1 11 NCAC 05A .0909 is amended with changes as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0909 RESPONSE TO STRUCTURE FIRES**

4 (a) Each fire department shall ensure the response of at least four of its eligible firefighters and one engine to all
5 structure fires. The fire chief may be one of the four responding members.

6 (b) A fire department with fewer than 15 eligible firefighters on its roster shall ensure the response of at least six of
7 its eligible ~~firefighters.~~ firefighters to all structure fires. The fire chief may be one of the six responding members.

8 ~~(b)(c)~~ (c) The fire department responding to a structure fire shall have a plan to provide a minimum flow of 200 GPM
9 for 20 minutes within five minutes of the first arriving engine.

10 (d) Each fire department shall maintain incident reports related to response to structure fires for a minimum of five
11 years.

12 *History Note: Authority G.S. ~~58-2-40~~; ~~58-78A-1(b)(20)~~; ~~58-78A-2~~; 58-36-10; 58-40-25; ~~58-79-45~~;*

13 *Eff. January 1, ~~2018~~. 2018;*

14 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0911 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0911 RECORDS**

4 (a) A fire department shall maintain the following records for 36 ~~months~~: months for inspection by OSFM:

- 5 (1) Apparatus maintenance logs and equipment inventory for in service engines and ~~tankers, in~~
6 ~~accordance with 11 NCAC 05A .0905.~~ tankers. A fire [station] department shall inspect all in
7 service engine and tanker equipment inventory monthly and document the inspection.
- 8 ~~(2) Apparatus equipment inventory checks for all in service engines and tankers, in accordance with~~
9 ~~11 NCAC 05A .0905.~~
- 10 ~~(3)(2) Fire pump performance tests, in accordance with 11 NCAC 05A .0905.~~ tests. A fire department
11 shall perform a fire pump performance test on at least one engine annually, in accordance with
12 NFPA 1911. If the engine was purchased within the previous 12 months, the certification required
13 by Part [(a)(2)(A)] (a)(3)(A) of 11 NCAC 05A .0905 shall satisfy the requirement.
- 14 ~~(4)(3) Training records for all eligible firefighters, in accordance with 11 NCAC 05A .0907.~~ firefighters.
15 Training records shall include the dates, topics, hours, and personnel in attendance.
- 16 ~~(5)(4) The AFFF inventory and usage reports created in accordance with 11 NCAC 05A .0910.~~
- 17 (5) Records evidencing monthly functional testing of the components of the fire department's self-
18 contained breathing apparatus [SCBA.] (SCBA).
- 19 (6) Evidence of completion of criminal history record checks for each applicant over the age of 18, in
20 accordance with G.S. 143B-1209.24.

21 (b) A fire department shall maintain incident reports related to response to structure fires for a minimum of five
22 years in accordance with 11 NCAC 05A [-0907.] .0910.

23
24 *History Note:* Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-82-5; 58-82-10; 58-
25 82B-5; 58-82B-10; 58-79-45;
26 Eff. January 1, 2018;
27 Amended Eff. June 1, 2026; June 1, 2023. [2023;] [May] [June 1, 2026.]

Burgos, Alexander N

Subject: FW: State Fire Marshal: Rules for RRC Review
Attachments: 11 NCAC 05A .0901 v2.docx; 11 NCAC 05A .0902 v2.docx; 11 NCAC 05A .0903 v2.docx;
11 NCAC 05A .0904 v2.docx; 11 NCAC 05A .0905 v2.docx; 11 NCAC 05A .0906 v2.docx;
11 NCAC 05A .0907 v2.docx; 11 NCAC 05A .0908 v2.docx; 11 NCAC 05A .0909 v2.docx;
11 NCAC 05A .0910 v3.docx; 11 NCAC 05A .0911 v2.docx; 11 NCAC 05A .0912 v2.docx

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Subject: RE: State Fire Marshal: Rules for RRC Review

Thank you, Kyle. These edits look good. I'm attaching the updated versions for all twelve of the rules. However, I still have concerns about 11 NCAC 05A .0905, .0906, .0909, and .0911.

G.S. 150B-21.4(b) requires agencies to draft and submit a fiscal note to the Office of State Budget and Management as provided by G.S. 150B-21.26, the Fiscal Research Division of the General Assembly, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities for permanent rule changes that would affect a unit of local government. The fiscal note must state the amount by which the proposed rule change would increase or decrease the direct or indirect expenditures or revenues of a unit of local government and must explain how the amount was computed.

In my opinion, I could foresee these rule amendments as having a fiscal impact on local government units. For example, under amended rule 11 NCAC 05A .0905, it is possible that a fire station could now purchase fewer traffic vests and still comply with OSFM's rule. And under amended rule 11 NCAC 05A .0911, fire departments may need to expand physical or electronic storage space and expend additional staff hours in order to meet the new records retention requirements.

The potential fiscal impact of these amendments might not be very large, but the APA's requirements do not differ based on the level of the impact on local governments. In addition, the APA explicitly requires a fiscal note even when the rule change would result in a *decrease* in expenditures.

As such, I still believe that the agency likely should have consulted with OSBM and drafted a fiscal note prior to publishing these rules.

Chris

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1 11 NCAC 05A .0901 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0901 DEFINITIONS**

4 As used in this Subchapter:

- 5 (1) "9S Inspection" means an inspection conducted by the Office of State Fire Marshal (OSFM) to
6 ensure compliance with the requirements of this Section in order to receive a public protection
7 classification rating.
- 8 (2) "Automatic Aid" means assistance dispatched automatically by contractual agreement between
9 two communities or fire districts to all structure fires.
- 10 (3) "Eligible Firefighter" means all persons 18 years of age or older who are firefighters as defined by
11 G.S. 58-86-2.
- 12 (4) "Engine" means a motorized vehicle meeting the requirements of NFPA 1901, "Standard for
13 Automotive Fire Apparatus."
- 14 (5) "Fire Department" means an organization established or organized under applicable State and local
15 laws, for the purpose of limiting, reducing, or preventing damage or personal injury caused by fire
16 or other emergency.
- 17 (6) "Fire Districts" or "Insurance Districts" means an area within a city, town, municipality, or county
18 that is established in order to provide fire prevention and fire suppression services.
- 19 (7) "Fire Station" means a building ~~for the housing of fire department apparatus and personnel. a~~
20 certified engine and personnel.
- 21 (8) "Gallons Per Minute" or "GPM" means the volume of water flow from a hose, hydrant, or other
22 fire suppression apparatus.
- 23 ~~(9) "Insurance Services Office" or "ISO" means the Insurance Services Office, Inc.~~
- 24 ~~(10) "North Carolina Fire Suppression Rating Schedule" or "NCFSRS" shall mean means the current~~
25 edition of the ISO Fire Suppression Rating Schedule.
- 26 ~~(9)-(11)~~ (11) "Pounds Per Square Inch" or "PSI" means the pressure a gas or liquid exerts on the walls of its
27 container.
- 28 ~~(10)-(12)~~ (12) "Public Protection Classification" or "PPC" means a rating given to fire districts or insurance
29 districts throughout the State on their ability to provide fire prevention and fire suppression
30 services to affected areas within its jurisdictional boundaries.
- 31 ~~(13)~~ (13) "Response District" means an area within a city, town, or municipality to which a fire department
32 responds in order to provide fire prevention and fire suppression services.
- 33 ~~(11)~~ (14) "Road Miles" are the miles that a fire apparatus will travel from a fire station to an emergency
34 scene.
- 35 ~~(12)~~ (15) "Rural Fire District" means a fire district that is outside the jurisdictional boundaries of a city,
36 ~~town~~ town, or municipality and is established pursuant to ~~G.S.~~ Chapter 69, Article 3A ~~of~~ ~~G.S.~~
37 Chapter 153A, Article 11 of the General Statutes.

1 ~~(14)~~ (16) "Structure Fire" means a condition where an actual monetary loss or physical damage has occurred **to**
2 **a building or constructed** ~~area, area~~ due to the result of a fire.

3 ~~(14)~~ (17) "Tanker" means ~~a fire truck/engine~~ an apparatus designed to carry water to fires, whether equipped
4 with or without a pump to dispense the water.

5

6 *History Note:* Authority G.S. ~~58-2-40~~; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;

7 Eff. January 1, ~~2018~~; 2018;

8 Amended Eff. ~~May~~ **June 1, 2026.**

1 11 NCAC 05A .0902 is amended with changes as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0902 PURPOSE**

4 (a) This Section establishes standards for insurance public protection classifications for fire districts
5 throughout the State.

6 (b) Fire districts **in all rural areas of the State** and **in** cities with populations of 100,000 or fewer
7 according to the most recent annual population estimates certified by the State Budget Officer shall be inspected by
8 ~~the Department~~ OSFM in accordance with the requirements of this Section. All other fire districts in the State shall
9 be inspected by the Insurance Services Office (~~"ISO"~~) in accordance with this Section.

10 (c) A "PPC 1" is the best rating, and a "PPC 10" indicates that the fire district does not meet the
11 minimum protection requirements.

12 (d) A fire district that meets the certification requirements set forth in this Section shall be given a
13 public protection classification of "PPC 9S."

14 (e) A fire district that meets the certification requirements set forth in this Section, but contains
15 properties within its jurisdictional limits that are more than five but within six road miles from a responding fire
16 station, shall be given a public protection classification rating of "PPC 9E."

17 (f) If a fire district contains some properties within its jurisdictional limits that meet the requirements
18 of a certain PPC rating, and some properties within its jurisdictional limits that meet the requirements of another
19 PPC rating, the fire district may receive a split rating.

20 (g) To receive a public protection classification better than a "PPC 9S," a fire district must meet the
21 requirements of this Section and the North Carolina Fire Suppression Rating ~~Schedule~~ ("NCFRSR"). Schedule.

22

23 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*

24 *Eff. January 1, ~~2018.~~ 2018.*

25 *Amended Eff. ~~May~~ **June 1, 2026.***

1 11 NCAC 05A .0903 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0903 RATING OF FIRE DISTRICTS**

4 (a) To receive a PPC rating, a fire department shall submit a written request to OSFM containing the
5 following information:

- 6 (1) The name of the fire district;
- 7 (2) The name of the entity that operates the fire ~~district (e.g., city, town, county, [or] non-profit~~
8 ~~corporation); district. Note: as an example, the city, town, county, or non-profit corporation;~~
- 9 (3) The name of the person in charge of the entity that operates the fire ~~district; district. Note: as an~~
10 ~~example, the president of the board of directors of the fire district, county manager, or city~~
11 ~~manager;~~
- 12 (4) The name and title of the Fire ~~Chief or his or her designee; Chief;~~
- 13 (5) The physical address of the location of every fire station utilized by the fire department;
- 14 (6) The mailing address of the fire department;
- 15 (7) The Federal (FEIN) Tax ID number of the fire department;
- 16 (8) Copies of any contracts with a local government body to provide fire protection; and
- 17 (9) A Geographic Information System ("GIS") computer-generated map of the fire district, and
18 documentation of the approval of the map by the local governing body if applicable.

19 (b) A fire department may contract with more than one unit of government to provide fire protection.
20 In addition, a local unit of government may contract with more than one fire department to provide fire
21 protection.

22 (c) 9S Re-Inspections. Fire departments shall be re-inspected by ~~OSFM, OSFM~~ at least every ~~40~~
23 seven years and shall be notified by OSFM of such 9S re-inspection in writing at least 30 days in advance. In
24 addition, upon receipt of information alleging noncompliance with this Section that is reviewed and verified by
25 OSFM, OSFM shall perform unannounced re-inspections of fire departments.

26 (d) New Station Inspection. A fire department may request a certification inspection for any ~~new~~
27 additional station that the fire department seeks to include in the rating of its fire district. Before OSFM will conduct
28 the inspection, the fire department must provide the following:

- 29 (1) Proof of Certificate of Occupancy; and
- 30 (2) If the fire department is adding to their rated insurance district with an additional station or making
31 any changes to the ~~insurance~~ response district lines, new maps and approvals in accordance with
32 Subparagraph (a)(9) of this Rule.

33 (e) Merging of fire departments. When two or more fire departments merge into one fire department,
34 OSFM shall conduct a 9S inspection. Before the inspection will be conducted, the fire departments must provide to
35 OSFM the information requirements of required by Paragraph (a) of this Rule.

36 (f) Unless otherwise approved pursuant to Paragraph (g) of this Rule, a fire district may not extend
37 more than five road miles from a responding fire station.

1 (g) A rural fire district may extend its boundaries to more than five ~~road miles~~ but within six road miles from a
2 responding fire department ~~if, in addition to the requirements of Paragraph (a) of this Rule, if~~ the fire department
3 enters a written automatic aid contract with another jurisdiction that requires the responding party to respond with at
4 least one piece of fire apparatus capable of carrying at least 1,000 gallons of ~~water.~~ water and the extension is
5 approved by the board of county commissioners of the county to which the rural fire district is extended.
6

7 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-83-1;~~*
8 *Eff. January 1, ~~2018.~~ 2018;*
9 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0904 is amended with changes as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0904 FACILITIES**

4 (a) ~~A fire station shall be provided with~~ A fire department shall have heating for all-weather protection
5 of ~~apparatus.~~ apparatus at every fire station.

6 (b) ~~———— If a fire department has multiple fire stations, each fire station shall not be more than 10 road miles from~~
7 ~~another fire station within the fire district.~~

8

9 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*

10 *Eff. January 1, ~~2018.~~ 2018;*

11 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0905 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0905 APPARATUS SPECIFICATIONS AND EQUIPMENT**

4 (a) Engines. All stations shall have at least one engine ~~that is:~~ that:

5 (1) ~~Is Constructed~~ constructed in accordance with NFPA 1901, "~~Standard for Automotive Fire~~
6 ~~Apparatus~~"; 1901; and

7 ~~(2) Annually undergoes a fire pump performance test, as identified in NFPA 1911. If the engine was~~
8 ~~purchased within the previous 12 months, the certification required by Part (a)(3)(A) of this Rule~~
9 ~~shall satisfy this requirement; and~~

10 ~~(2)(3) Is Equipped~~ equipped with the following:

11 (A) A pump certified by an independent third-party certification organization that is
12 accredited for inspection and testing systems on fire apparatus in accordance with NFPA
13 ~~1901, "Standard for Automotive Fire Apparatus." 1901.~~

14 (B) A pump rated at not less than 750 GPM at 150 PSI net pump pressure.

15 (C) A tank with at least a 300-gallon capacity.

16 (D) Two 200-foot pre-connected hose lines, with a diameter of 1 ½ inches, 1 ¾ inches, or 2
17 inches, with nozzles that have a minimum flow of 95 GPM.

18 (E) At least 20 feet of hard-suction hose in a size to flow the capacity of the engine, or at
19 least 15 feet of soft-suction hose with a diameter of at least four inches.

20 (F) Four self-contained breathing apparatus ~~(SCBA) in proper working condition. (SCBA). A~~
21 ~~SCBA shall be considered in proper working condition if the facepiece, back frame and~~
22 ~~harness, cylinder, hoses, low air alarms, regulators, and accessories are tested and~~
23 ~~operational in accordance with manufacturer's recommendations. The SCBA's shall be~~
24 ~~certified in accordance with NFPA 1981, "Standard on Open Circuit Self Contained~~
25 ~~Breathing Apparatus (SCBA) for Emergency Services."~~ To the extent practicable,
26 SCBAs shall comply with NFPA 1981.

27 (G) Four spare SCBA cylinders.

28 (H) One roof ladder at least 12 feet long.

29 (I) One extension ladder at least 24 feet long.

30 (J) One folding ladder.

31 (K) One pike-head axe.

32 (L) One flat-head axe.

33 (M) One forcible entry tool.

34 (N) One pike pole or plaster hook at least 6 feet long.

35 (O) Two portable, rechargeable hand lights ~~suitable for use in hazardous conditions in~~
36 ~~accordance with NFPA 70, "National Electrical Code." 70.~~

37 (P) 100 feet of utility rope, at least ½ inch in diameter.

- 1 (Q) Two ~~20-pound~~, 20-pound, class BC portable extinguishers.
- 2 (R) One 2½-gallon water extinguisher.
- 3 (S) One first aid kit.
- 4 (T) One bolt cutter at least 14 inches long.
- 5 (U) One two-way radio assigned to the apparatus.
- 6 (V) One traffic vest for each riding ~~position~~, position or a minimum of two traffic vests if the
- 7 fire department has issued a traffic vest to all members.

8 (b) Tankers. If a station has a tanker, the tanker shall:

- 9 (1) Be equipped with at least 1,000 gallons of water.
- 10 (2) Be equipped with hoses and equipment for filling the tank and transferring water to the engine.
- 11 (3) Be properly baffled in accordance with NFPA 1901, "~~Standard for Automotive Fire Apparatus.~~"
- 12 1901.
- 13 (4) Be equipped with one traffic vest for each riding ~~position~~, position or a minimum of two traffic
- 14 vests if the fire department has issued a traffic vest to all members.

15 (c) Protective Clothing. Each eligible firefighter shall be provided protective ~~clothing~~ clothing, pursuant to NFPA
16 1851, "~~Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and~~
17 ~~Proximity Fire Fighting,~~" including: Protective clothing provided to eligible firefighters should, to the extent
18 practicable, comply with the requirements of NFPA 1851 and shall include the following:

- 19 (1) Helmet.
- 20 (2) Coat.
- 21 (3) Pants.
- 22 (4) Boots.
- 23 (5) Gloves.
- 24 (6) Hoods.

25 ~~(d) A fire station shall inspect all equipment inventory monthly, and document the inspection.~~

26 ~~(e) A fire station shall perform maintenance on engines and tankers in accordance with manufacturers~~
27 ~~recommendations, and maintain logs documenting all such maintenance.~~

28 ~~(f) A fire department shall perform a fire pump performance test on all engines annually, in accordance with~~
29 ~~NFPA 1911, "Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles."~~
30 ~~1911. If the engine was purchased within the previous 12 months, the certification required by Part (a)(2)(A) of this~~
31 ~~Rule shall satisfy this requirement.~~

32 (d) Fire departments shall ensure that all apparatus are registered with the North Carolina Division of Motor
33 Vehicles and insured.

34 ~~(g)(c)~~ (c) All NFPA standards referenced in this Rule Section are herein hereby incorporated by reference, including
35 subsequent amendments and editions. Copies of these standards are available for public inspection at the
36 Department, or may be viewed online for free at the National Fire Protection Association website at
37 http://www.nfpa.org.

1

2 *History Note:* *Authority G.S. ~~58-2-40~~; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;*

3 *Eff. January 1, ~~2018~~. 2018;*

4 *Amended Eff. [~~May~~] June 1, 2026.*

1 11 NCAC 05A .0906 is amended with changes as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0906 STAFFING LEVELS**

4 (a) Fire Station.

5 (1) Each fire department shall maintain a minimum of 15 eligible firefighters on its roster.

6 (2) Notwithstanding Subparagraph (a)(1) of this Rule, a fire department may maintain fewer than 15
7 eligible firefighters on its roster, provided that the fire department complies with the requirements
8 of 11 NCAC 05A .0909(a) and (b) with respect to responding to all structure fires.

9 ~~(2)(3)~~ Each fire department shall provide a roster **to OSFM** containing the names and ~~date~~ dates of birth
10 of all eligible firefighters. A report submitted to the North Carolina State Firefighters' Association
11 pursuant to G.S. 58-86-25 constitutes compliance with this Subparagraph.

12 ~~(3)(4)~~ Each fire department shall provide current workers compensation insurance certifications **to**
13 **OSFM** for all of its eligible firefighters.

14 ~~(4)(5)~~ Firefighters under the age of 18 will not be counted for purposes of meeting the requirements of
15 this Rule.

16 (b) Additional Fire Stations: ~~Fire~~ fire departments that operate more than one station shall ~~have four additional~~
17 ~~personnel for each additional station.~~ ensure that firefighters operating at each additional station respond to incidents
18 within its rated five or six mile radius in the fire district.

19

20 *History Note:* Authority ~~G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; S.L. 2017-167;~~
21 ~~Eff. January 1, 2018. 2018;~~
22 Amended Eff. ~~May~~ **June** 1, 2026.

1 11 NCAC 05A .0907 is amended with changes as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0907 TRAINING**

4 (a) Eligible firefighters shall ~~attend~~ have attended at least 36 hours of training ~~annually in the previous 12 months~~ in
5 the area of fire prevention, fire suppression, or protection of life and property. No more than 12 hours of emergency
6 medical services training may be counted toward the 36-hour training requirement.

7 (b) Fire departments shall provide ~~at least four hours of training per month, for~~ a total of 48 hours of training per
8 year.

9 (c) Within one year of appointment, the fire chief of each fire department shall complete a class on management of
10 fire department operations and records approved by the State Fire and Rescue ~~Commission~~ Commission. ~~in~~
11 ~~accordance with G.S. 58, Article 78.~~

12 (d) Fire departments shall maintain training records in accordance with 11 NCAC 05A .0911.

13

14 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*

15 *Eff. January 1, ~~2018; 2018;~~*

16 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0908 is amended with changes as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0908 COMMUNICATIONS AND ALARMS**

4 (a) Fire departments shall utilize ~~the~~ a Public Service Answering Point (PSAP) established pursuant to ~~G.S. 143B,~~
5 ~~Article 15, Part 10, NCFRS Section 107 D,~~ to receive 911 calls and dispatching, 24 hours per day, 7 ~~seven~~ days
6 per week.

7 (b) Notification to firefighters of emergencies may be provided by pagers, portable radios with alerting capabilities,
8 or station alerting devices with paid personnel. Text paging or phone paging by a third party shall not be an
9 acceptable means of ~~notification.~~ notification, unless the paging system is owned by the authority having
10 jurisdiction.

11 (c) In jurisdictions utilizing Automatic Vehicle Location (AVL) systems, the fire department that is responsible for
12 the fire district shall be dispatched, along with the closest unit recommendation of the AVL systems. In accordance
13 with 11 NCAC 05A .0903(g), if a jurisdiction is utilizing AVL for unit dispatch in a six-mile district, it shall ensure
14 that an apparatus with a minimum of 1,000 gallons of water is dispatched as required by the automatic aid protocols.

15

16 *History Note:* Authority ~~G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~

17 ~~Eff. January 1, 2018. 2018;~~

18 Amended Eff. ~~May~~ June 1, 2026.

1 11 NCAC 05A .0909 is amended with changes as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0909 RESPONSE TO STRUCTURE FIRES**

4 (a) Each fire department shall ensure the response of at least four of its eligible firefighters and one engine to all
5 structure fires. The fire chief may be one of the four responding members.

6 (b) A fire department with fewer than 15 eligible firefighters on its roster shall ensure the response of at least six of
7 its eligible ~~firefighters.~~ firefighters to all structure fires. The fire chief may be one of the six responding members.

8 ~~(b)(c)~~ (c) The fire department responding to a structure fire shall have a plan to provide a minimum flow of 200 GPM
9 for 20 minutes within five minutes of the first arriving engine.

10 (d) Each fire department shall maintain incident reports related to response to structure fires for a minimum of five
11 years.

12 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*

13 *Eff. January 1, ~~2018.~~ 2018;*

14 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0910 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0910 INCIDENT REPORTING**

4 (a) ~~In addition to the requirements of this Rule regarding the storage and deployment of Aqueous Film Forming~~
5 ~~Foam (AFFF), when a fire department responds to a fire, the fire chief shall ensure that a fire incident report is~~
6 ~~completed using software that complies with the current version of the National Fire Incident Reporting System~~
7 ~~(NFIRS).~~

8 ~~(b)(a) A fire department shall keep records on dates, times, and locations of all fires [to which the fire department~~
9 ~~responded] using software that complies with the current version of the NFIRS. [compatible with the records~~
10 ~~management system maintained by OSFM.]~~

11 ~~(a)(b)~~ In addition to the requirements of this Rule regarding reporting the storage and deployment of Aqueous
12 Film Forming Foam (AFFF), when a fire department responds to an incident, the fire chief shall ensure that an
13 incident report containing the date, time, and location of the incident is completed using software compatible with
14 the records management system maintained by OSFM.

15 ~~(e) (b)~~ All reports shall be submitted to OSFM as soon as practicable. ~~[In no event shall]~~ Incident reports shall not
16 be submitted to OSFM within later than 120 90 days of from incident occurrence.

17 ~~(d) (c)~~ When a fire department responds to a fire involving fatalities, an initial report shall be filed by the fire chief
18 or fire marshal of the authority having jurisdiction within 48 hours of the incident to ~~the Office of State Fire~~
19 ~~Marshal.~~ OSFM.

20 ~~(e) (d)~~ In accordance with G.S. 58-82B-10, an online reporting portal for the storage and deployment of AFFF has
21 been created at the following website: ~~https://www.ncosfm.gov/fire-rescue/ratings-and-inspections/afff-foam.~~
22 ~~[https://www.ncosfm.gov.]~~ https://ncdoi.imagetrendelite.com/Elite/Organizationncdoi/. This online reporting portal
23 consists of an online database and an online reporting tool to capture the storage and deployment of AFFF.

24 ~~(f) (e)~~ The fire chief or fire marshal of the authority having jurisdiction shall ensure that the following information
25 regarding AFFF inventory for their fire department is entered into the online database:

- 26 (1) The number of trucks at each department that carry AFFF, and the fire station or other location,
27 including street address, where each truck is located.
- 28 (2) The volume, trade name, and Chemical Abstract Service (CAS) number of the AFFF on each
29 truck.
- 30 (3) An inventory, including the volume, trade name, and CAS number of AFFF stored by each fire
31 department at a fire station or other location, including the street address where the AFFF is
32 stored.
- 33 (4) The volume, trade name, and CAS number of AFFF products that are no longer utilized and could
34 be removed from inventory for disposal, including the street address where the AFFF is stored.
- 35 (5) A photograph of the label and the container of the AFFF. For the purpose of this Subparagraph, a
36 photograph includes an electronic image produced by the camera of an electronic device. The

1 information entered in the online database shall be updated annually in accordance with G.S. 58-
2 82B-5.

3 ~~(e)~~ (f) When a fire department responds to a fire, conducts training involving AFFF ~~foam~~ in any quantity, or has an
4 accidental spill, the fire chief shall ensure an initial report is entered in the online reporting tool within 15 days of
5 the incident or the training event, including the following:

- 6 (1) The date, time, and location, including street address and GPS coordinates, where AFFF was
7 involved, the trade name, and CAS number of the AFFF used.
- 8 (2) The total volume of AFFF involved, including gallons of foam and gallons of water and total
9 concentration of foam.
- 10 (3) The reason for the deployment of AFFF, such as firefighting, fire prevention, other emergency
11 response actions intended to protect property or public safety, training, or an accidental spill.

12 ~~(h)~~ (g) The fire chief or fire marshal of the authority having jurisdiction shall ensure that an annual report is
13 available in the online reporting tool by July 1st of each year that includes the information required by Paragraph (g)
14 of this Rule.

15
16 *History Note:* Authority G.S. ~~58-2-40~~; ~~58-78A-1(b)(20)~~; ~~58-78A-2~~; ~~58-36-10~~; ~~58-40-25~~; ~~58-79-1~~; ~~58-79-45~~; ~~58-~~
17 ~~82-5~~; ~~58-82-10~~; ~~58-82B-5~~; ~~58-82B-10~~; S.L. 2021-180, s. 8.10(i);

18 Eff. January 1, 2018;

19 Amended Eff. ~~May~~ June 1, ~~2026~~, ~~2026~~; June 1, 2023.

1 11 NCAC 05A .0911 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0911 RECORDS**

4 (a) A fire department shall maintain the following records for 36 ~~months~~: months for inspection by OSFM:

5 (1) Apparatus maintenance logs and equipment inventory for in service engines and ~~tankers, in~~
6 ~~accordance with 11 NCAC 05A .0905.~~ tankers. A fire [station] department shall inspect all in
7 service engine and tanker equipment inventory monthly and document the inspection.

8 ~~(2) Apparatus equipment inventory checks for all in service engines and tankers, in accordance with~~
9 ~~11 NCAC 05A .0905.~~

10 ~~(3)(2) Fire pump performance tests, in accordance with 11 NCAC 05A .0905.~~ tests. A fire department
11 shall perform a fire pump performance test on at least one engine annually, in accordance with
12 NFPA 1911. If the engine was purchased within the previous 12 months, the certification required
13 by Part [(a)(2)(A)] (a)(3)(A) of 11 NCAC 05A .0905 shall satisfy the requirement.

14 ~~(4)(3) Training records for all eligible firefighters, in accordance with 11 NCAC 05A .0907.~~ firefighters.
15 Training records shall include the dates, topics, hours, and personnel in attendance.

16 ~~(5)(4) The AFFF inventory and usage reports created in accordance with 11 NCAC 05A .0910.~~

17 (5) Records evidencing monthly functional testing of the components of the fire department's self-
18 contained breathing apparatus [SCBA.] (SCBA).

19 (6) Evidence of completion of criminal history record checks for each applicant over the age of 18, in
20 accordance with G.S. 143B-1209.24.

21 (b) A fire department shall maintain incident reports related to response to structure fires for a minimum of five
22 years in accordance with 11 NCAC 05A [-0907.] .0910.

23
24 *History Note:* Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-82-5; 58-82-10; 58-
25 82B-5; 58-82B-10;

26 *Eff. January 1, 2018;*

27 *Amended Eff. June 1, 2026; June 1, 2023. [2023;] [May] [June 1, 2026.]*

1 11 NCAC 05A .0912 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0912 NON-COMPLIANCE**

4 (a) Upon completion of an inspection, the OSFM ~~inspector~~ representative will review the inspection results with the
5 fire chief or the chief's designee. Any fire department that fails to meet any of the standards set forth in this Section
6 shall be considered non-compliant for the purpose of determining Fire Insurance District Rating Classifications.

7 (b) A non-compliant fire department shall have a period of ~~30~~ 15 days from the date of the inspection to submit a
8 written corrective action plan to OSFM. The corrective action plan shall address each deficiency found in the
9 inspection and the corrective action the fire department will take in response to the deficiency. If a non-compliant fire
10 department fails to provide a written corrective action plan to OSFM within 15 days from the date of the inspection,
11 OSFM shall consult with the governing body that contracts for the fire district and place the fire department on
12 probation until the fire department provides the written corrective action plan to OSFM, for a period not to exceed
13 three months. If the fire department fails to provide the written corrective action plan to OSFM by the end of the
14 three-month probation period, OSFM shall designate the fire department as "PPC10" (non-certified). ~~Upon receipt of~~
15 approval of the corrective action plan from OSFM, the fire department shall have six months to become compliant. If
16 the fire department remains non-compliant after the expiration of the six-month corrective action period, OSFM shall
17 consult with the entity that operates the fire district and place the fire department on probation until the fire department
18 becomes compliant, for a period not to exceed six months. If the fire department remains non-compliant, OSFM shall
19 designate the fire department as a "PPC10" (non-certified).

20 (c) Upon receipt of approval of the corrective action plan from OSFM, the fire department shall have three months to
21 become compliant. If the fire department remains non-compliant after the expiration of the three-month corrective
22 action period, OSFM shall consult with the governing body that contracts for the fire district and place the fire
23 department on probation until the fire department becomes compliant, for a period not to exceed six months. Upon
24 completion of the probationary period, OSFM shall re-inspect the fire department for compliance. If the fire
25 department remains non-compliant, OSFM shall designate the fire department as a "PPC10" (non-certified).

26 (d) Notwithstanding the provisions of Paragraph (c) of this Rule, a non-compliant fire department that is determined
27 to be non-compliant based on its failure to ensure four eligible firefighters respond to all structure fires shall have a
28 period of 15 days from the date of inspection to submit a written action plan to OSFM and six months from the date
29 of providing the written corrective action plan to OSFM to become compliant. If no structure fires occur in the fire
30 department's fire district within the six-month period following submission of a written corrective action plan to
31 OSFM, OSFM shall re-inspect the fire department for compliance after an additional six months.

32
33 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*
34 *Eff. January 1, 2018; 2018;*
35 *Amended Eff. ~~May~~ June 1, 2026.*

Burgos, Alexander N

Subject: FW: State Fire Marshal: Rules for RRC Review
Attachments: 11 NCAC 05A .0910.docx

From: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Sent: Monday, May 18, 2026 5:35 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bailey, Tony W <Tony.Bailey@ncdoi.gov>;
svc_OSFM.Rulemaking <OSFM.Rulemaking@ncdoi.gov>
Subject: RE: State Fire Marshal: Rules for RRC Review

Good afternoon, Chris,

After consultation, the agency agrees that adding the descriptive language “containing the date, time, and location of the incident” enhances the clarity of what information is required to be kept and submitted in the incident reports. Accordingly, that language has been added in the attached updated copy of 11 NCAC 05A .0910 (line 13). Regarding your follow-up questions – these categories (date, time, and location of the incident) are currently the only essential, “must have” data fields in the incident reports, though fire departments may voluntarily enter additional information. OSFM will consider adding additional content to the rule about the non-mandatory fields in the incident reports as part of future rulemaking. Please let me know if you have any other questions or need anything further from us in advance of the May RRC meeting.

Thanks,
Kyle

Kyle Heuser
Assistant General Counsel



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0100

1 11 NCAC 05A .0910 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0910 INCIDENT REPORTING**

4 (a) ~~In addition to the requirements of this Rule regarding the storage and deployment of Aqueous Film Forming~~
5 ~~Foam (AFFF), when a fire department responds to a fire, the fire chief shall ensure that a fire incident report is~~
6 ~~completed using software that complies with the current version of the National Fire Incident Reporting System~~
7 ~~(NFIRS).~~

8 ~~(b)(a) A fire department shall keep records on dates, times, and locations of all fires [to which the fire department~~
9 ~~responded] using software that complies with the current version of the NFIRS. [compatible with the records~~
10 ~~management system maintained by OSFM.]~~

11 ~~(a)(b)~~ In addition to the requirements of this Rule regarding reporting the storage and deployment of Aqueous
12 Film Forming Foam (AFFF), when a fire department responds to an incident, the fire chief shall ensure that an
13 incident report containing the date, time, and location of the incident is completed using software compatible with
14 the records management system maintained by OSFM.

15 ~~(e) (b)~~ All reports shall be submitted to OSFM as soon as practicable. ~~[In no event shall]~~ Incident reports shall not
16 be submitted to OSFM within later than 120 90 days of from incident occurrence.

17 ~~(d) (c)~~ When a fire department responds to a fire involving fatalities, an initial report shall be filed by the fire chief
18 or fire marshal of the authority having jurisdiction within 48 hours of the incident to ~~the Office of State Fire~~
19 ~~Marshal.~~ OSFM.

20 ~~(e) (d)~~ In accordance with G.S. 58-82B-10, an online reporting portal for the storage and deployment of AFFF has
21 been created at the following website: <https://www.ncosfm.gov/fire-rescue/ratings-and-inspections/aff-foam>.
22 ~~[https://www.ncosfm.gov.]~~ <https://ncdoi.imagetrendelite.com/Elite/Organizationncdoi/>. This online reporting portal
23 consists of an online database and an online reporting tool to capture the storage and deployment of AFFF.

24 ~~(f) (e)~~ The fire chief or fire marshal of the authority having jurisdiction shall ensure that the following information
25 regarding AFFF inventory for their fire department is entered into the online database:

- 26 (1) The number of trucks at each department that carry AFFF, and the fire station or other location,
27 including street address, where each truck is located.
- 28 (2) The volume, trade name, and Chemical Abstract Service (CAS) number of the AFFF on each
29 truck.
- 30 (3) An inventory, including the volume, trade name, and CAS number of AFFF stored by each fire
31 department at a fire station or other location, including the street address where the AFFF is
32 stored.
- 33 (4) The volume, trade name, and CAS number of AFFF products that are no longer utilized and could
34 be removed from inventory for disposal, including the street address where the AFFF is stored.
- 35 (5) A photograph of the label and the container of the AFFF. For the purpose of this Subparagraph, a
36 photograph includes an electronic image produced by the camera of an electronic device. The

1 information entered in the online database shall be updated annually in accordance with G.S. 58-
2 82B-5.

3 ~~(e)~~ (f) When a fire department responds to a fire, conducts training involving AFFF ~~foam~~ in any quantity, or has an
4 accidental spill, the fire chief shall ensure an initial report is entered in the online reporting tool within 15 days of
5 the incident or the training event, including the following:

- 6 (1) The date, time, and location, including street address and GPS coordinates, where AFFF was
7 involved, the trade name, and CAS number of the AFFF used.
- 8 (2) The total volume of AFFF involved, including gallons of foam and gallons of water and total
9 concentration of foam.
- 10 (3) The reason for the deployment of AFFF, such as firefighting, fire prevention, other emergency
11 response actions intended to protect property or public safety, training, or an accidental spill.

12 ~~(h)~~ (g) The fire chief or fire marshal of the authority having jurisdiction shall ensure that an annual report is
13 available in the online reporting tool by July 1st of each year that includes the information required by Paragraph (g)
14 of this Rule.

15
16 *History Note:* Authority G.S. ~~58-2-40~~; ~~58-78A-1(b)(20)~~; ~~58-78A-2~~; ~~58-36-10~~; ~~58-40-25~~; ~~58-79-1~~; ~~58-79-45~~; ~~58-~~
17 ~~82-5~~; ~~58-82-10~~; ~~58-82B-5~~; ~~58-82B-10~~; S.L. 2021-180, s. 8.10(i);

18 Eff. January 1, 2018;

19 Amended Eff. ~~May~~ June 1, ~~2026~~, 2026; June 1, 2023.

Burgos, Alexander N

Subject: FW: State Fire Marshal: Rules for RRC Review

From: Heuser, Kyle <kyle.heuser@ncdoi.gov>

Sent: Friday, May 15, 2026 12:04 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Heuser, Kyle <kyle.heuser@ncdoi.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bailey, Tony W <Tony.Bailey@ncdoi.gov>;
svc_OSFM.Rulemaking <OSFM.Rulemaking@ncdoi.gov>

Subject: RE: State Fire Marshal: Rules for RRC Review

Good afternoon, Chris,

Thanks again for your review and for the follow-up. My subject matter experts are out of the office today, but I will review your question with the team and respond as promptly as possible next week.

Have a great weekend,
Kyle

Kyle Heuser
Assistant General Counsel



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0100

Burgos, Alexander N

Subject: FW: State Fire Marshal: Rules for RRC Review
Attachments: 11 NCAC 05A .0910 v2.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, May 15, 2026 11:48 AM
To: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bailey, Tony W <Tony.Bailey@ncdoi.gov>; svc_OFSM.Rulemaking <OFSM.Rulemaking@ncdoi.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: State Fire Marshal: Rules for RRC Review

Thank you for the thorough responses. I am generally okay with the rule edits (I note that I added “with changes” to all of the intro statements), but one follow up question for you:

For rule **11 NCAC 05A .0910**, in response to my requests, paragraph (a) was deleted over concerns of redundancy. However, that paragraph also described what was included in the incident reports (“records on dates, times, and locations of all fires”). I would recommend adding this descriptive language back into the updated rule to clarify what information is required to be kept and submitted in said reports. And also, is this all that is included in these incident reports? Is it just a basic log of incidents? Or do they also contain other information, such as detailed summaries, photographs, etc.?

Thanks!
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

1 11 NCAC 05A .0910 is amended with changes as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0910 INCIDENT REPORTING**

4 (a) ~~In addition to the requirements of this Rule regarding the storage and deployment of Aqueous Film Forming~~
5 ~~Foam (AFFF), when a fire department responds to a fire, the fire chief shall ensure that a fire incident report is~~
6 ~~completed using software that complies with the current version of the National Fire Incident Reporting System~~
7 ~~(NFIRS).~~

8 ~~(b)~~ (a) A fire department shall keep records on dates, times, and locations of all fires [to which the fire department
9 responded] using software that complies with the current version of the NFIRS. [compatible with the records
10 management system maintained by OSFM.]

11 (a) ~~(b)~~ In addition to the requirements of this Rule regarding reporting the storage and deployment of Aqueous
12 Film Forming Foam (AFFF), when a fire department responds to an incident, the fire chief shall ensure that an
13 incident report is completed using software compatible with the records management system maintained by OSFM.

14 ~~(c)~~ (b) All reports shall be submitted to OSFM as soon as practicable. [In no event shall] Incident reports shall not
15 be submitted to OSFM within later than 120 90 days of from incident occurrence.

16 ~~(d)~~ (c) When a fire department responds to a fire involving fatalities, an initial report shall be filed by the fire chief
17 or fire marshal of the authority having jurisdiction within 48 hours of the incident to the Office of State Fire
18 Marshal. OSFM.

19 ~~(e)~~ (d) In accordance with G.S. 58-82B-10, an online reporting portal for the storage and deployment of AFFF has
20 been created at the following website: ~~https://www.ncosfm.gov/fire-rescue/ratings-and-inspections/aff-foam.~~
21 [~~https://www.ncosfm.gov.~~] <https://ncdoi.imagetrendelite.com/Elite/Organizationncdoi/>. This online reporting portal
22 consists of an online database and an online reporting tool to capture the storage and deployment of AFFF.

23 ~~(f)~~ (e) The fire chief or fire marshal of the authority having jurisdiction shall ensure that the following information
24 regarding AFFF inventory for their fire department is entered into the online database:

- 25 (1) The number of trucks at each department that carry AFFF, and the fire station or other location,
26 including street address, where each truck is located.
- 27 (2) The volume, trade name, and Chemical Abstract Service (CAS) number of the AFFF on each
28 truck.
- 29 (3) An inventory, including the volume, trade name, and CAS number of AFFF stored by each fire
30 department at a fire station or other location, including the street address where the AFFF is
31 stored.
- 32 (4) The volume, trade name, and CAS number of AFFF products that are no longer utilized and could
33 be removed from inventory for disposal, including the street address where the AFFF is stored.
- 34 (5) A photograph of the label and the container of the AFFF. For the purpose of this Subparagraph, a
35 photograph includes an electronic image produced by the camera of an electronic device. The
36 information entered in the online database shall be updated annually in accordance with G.S. 58-
37 82B-5.

1 ~~(e)~~ (f) When a fire department responds to a fire, conducts training involving AFFF foam in any quantity, or has an
2 accidental spill, the fire chief shall ensure an initial report is entered in the online reporting tool within 15 days of
3 the incident or the training event, including the following:

- 4 (1) The date, time, and location, including street address and GPS coordinates, where AFFF was
5 involved, the trade name, and CAS number of the AFFF used.
- 6 (2) The total volume of AFFF involved, including gallons of foam and gallons of water and total
7 concentration of foam.
- 8 (3) The reason for the deployment of AFFF, such as firefighting, fire prevention, other emergency
9 response actions intended to protect property or public safety, training, or an accidental spill.

10 ~~(h)~~ (g) The fire chief or fire marshal of the authority having jurisdiction shall ensure that an annual report is
11 available in the online reporting tool by July 1st of each year that includes the information required by Paragraph (g)
12 of this Rule.

13
14 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-79-1; 58-79-45; 58-~~*
15 *~~82-5; 58-82-10; 58-82B-5; 58-82B-10; S.L. 2021-180, s. 8.10(i);~~*
16 *Eff. January 1, 2018;*
17 *Amended Eff. ~~May~~ June 1, ~~2026,~~ 2026, June 1, 2023.*

Burgos, Alexander N

Subject: FW: State Fire Marshal: Rules for RRC Review
Attachments: OSFM Response to RRC Staff Counsel Request for Changes.docx; 11 NCAC 05A .0901.docx; 11 NCAC 05A .0902.docx; 11 NCAC 05A .0903.docx; 11 NCAC 05A .0904.docx; 11 NCAC 05A .0905.docx; 11 NCAC 05A .0906.docx; 11 NCAC 05A .0907.docx; 11 NCAC 05A .0908.docx; 11 NCAC 05A .0909.docx; 11 NCAC 05A .0910.docx; 11 NCAC 05A .0911.docx; 11 NCAC 05A .0912.docx

From: Heuser, Kyle <kyle.heuser@ncdoi.gov>
Sent: Wednesday, May 13, 2026 4:25 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bailey, Tony W <Tony.Bailey@ncdoi.gov>; svc_OSFM.Rulemaking <OSFM.Rulemaking@ncdoi.gov>
Subject: RE: State Fire Marshal: Rules for RRC Review

Good afternoon, Chris,

Thank you so much for your work reviewing the amendments to 11 NCAC 05A .0900. Attached please find OSFM's response to your Requests for Changes, along with revised versions of the rules reflecting the requested changes and related revisions discussed in the attached response document.

Please let me know if you have any questions or if any additional revisions or clarifications would be helpful. I would be happy to discuss any remaining concerns by phone or email. As I mentioned when we spoke earlier today, I am glad to have had the opportunity to work with you on this set of rules and look forward to working with you again.

Thank you,
Kyle

Kyle Heuser
Assistant General Counsel



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0100

1 11 NCAC 05A .0901 is amended as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0901 DEFINITIONS**

4 As used in this Subchapter:

- 5 (1) "9S Inspection" means an inspection conducted by the Office of State Fire Marshal (OSFM) to
6 ensure compliance with the requirements of this Section in order to receive a public protection
7 classification rating.
- 8 (2) "Automatic Aid" means assistance dispatched automatically by contractual agreement between
9 two communities or fire districts to all structure fires.
- 10 (3) "Eligible Firefighter" means all persons 18 years of age or older who are firefighters as defined by
11 G.S. 58-86-2.
- 12 (4) "Engine" means a motorized vehicle meeting the requirements of NFPA 1901, "Standard for
13 Automotive Fire Apparatus."
- 14 (5) "Fire Department" means an organization established or organized under applicable State and local
15 laws, for the purpose of limiting, reducing, or preventing damage or personal injury caused by fire
16 or other emergency.
- 17 (6) "Fire Districts" or "Insurance Districts" means an area within a city, town, municipality, or county
18 that is established in order to provide fire prevention and fire suppression services.
- 19 (7) "Fire Station" means a building ~~for the housing of fire department apparatus and personnel. a~~
20 certified engine and personnel.
- 21 (8) "Gallons Per Minute" or "GPM" means the volume of water flow from a hose, hydrant, or other
22 fire suppression apparatus.
- 23 ~~(9) "Insurance Services Office" or "ISO" means the Insurance Services Office, Inc.~~
- 24 ~~(10) "North Carolina Fire Suppression Rating Schedule" or "NCFSRS" shall mean means the current~~
25 edition of the ISO Fire Suppression Rating Schedule.
- 26 ~~(9)-(11)~~ (11) "Pounds Per Square Inch" or "PSI" means the pressure a gas or liquid exerts on the walls of its
27 container.
- 28 ~~(10)-(12)~~ (12) "Public Protection Classification" or "PPC" means a rating given to fire districts or insurance
29 districts throughout the State on their ability to provide fire prevention and fire suppression
30 services to affected areas within its jurisdictional boundaries.
- 31 ~~(13)~~ (13) "Response District" means an area within a city, town, or municipality to which a fire department
32 responds in order to provide fire prevention and fire suppression services.
- 33 ~~(14)~~ (14) "Road Miles" are the miles that a fire apparatus will travel from a fire station to an emergency
34 scene.
- 35 ~~(12)~~ (15) "Rural Fire District" means a fire district that is outside the jurisdictional boundaries of a city,
36 ~~town~~ town, or municipality and is established pursuant to ~~G.S.~~ Chapter 69, Article 3A ~~of~~ or G.S.
37 Chapter 153A, Article 11 of the General Statutes.

1 ~~(14)~~ (16) "Structure Fire" means a condition where an actual monetary loss or physical damage has occurred to
2 a building or constructed ~~area,~~ area due to the result of a fire.

3 ~~(14)~~ (17) "Tanker" means ~~a fire truck/engine~~ an apparatus designed to carry water to fires, whether equipped
4 with or without a pump to dispense the water.

5

6 *History Note:* Authority G.S. ~~58-2-40;~~ 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;

7 Eff. January 1, ~~2018;~~ 2018;

8 Amended Eff. ~~May;~~ June 1, 2026.

1 11 NCAC 05A .0902 is amended as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0902 PURPOSE**

4 (a) This Section establishes standards for insurance public protection classifications for fire districts
5 throughout the State.

6 (b) Fire districts **in all rural areas of the State** and **in** cities with populations of 100,000 or fewer
7 according to the most recent annual population estimates certified by the State Budget Officer shall be inspected by
8 ~~the Department~~ OSFM in accordance with the requirements of this Section. All other fire districts in the State shall
9 be inspected by the Insurance Services Office (~~"ISO"~~) in accordance with this Section.

10 (c) A "PPC 1" is the best rating, and a "PPC 10" indicates that the fire district does not meet the
11 minimum protection requirements.

12 (d) A fire district that meets the certification requirements set forth in this Section shall be given a
13 public protection classification of "PPC 9S."

14 (e) A fire district that meets the certification requirements set forth in this Section, but contains
15 properties within its jurisdictional limits that are more than five but within six road miles from a responding fire
16 station, shall be given a public protection classification rating of "PPC 9E."

17 (f) If a fire district contains some properties within its jurisdictional limits that meet the requirements
18 of a certain PPC rating, and some properties within its jurisdictional limits that meet the requirements of another
19 PPC rating, the fire district may receive a split rating.

20 (g) To receive a public protection classification better than a "PPC 9S," a fire district must meet the
21 requirements of this Section and the North Carolina Fire Suppression Rating ~~Schedule~~ ("NCFRSR"). Schedule.

22

23 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*

24 *Eff. January 1, ~~2018; 2018;~~*

25 *Amended Eff. ~~May~~ **June 1, 2026.***

1 11 NCAC 05A .0903 is amended as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0903 RATING OF FIRE DISTRICTS**

4 (a) To receive a PPC rating, a fire department shall submit a written request to OSFM containing the
5 following information:

- 6 (1) The name of the fire district;
- 7 (2) The name of the entity that operates the fire ~~district (e.g., city, town, county, [or] non-profit~~
8 ~~corporation); district. Note: as an example, the city, town, county, or non-profit corporation;~~
- 9 (3) The name of the person in charge of the entity that operates the fire ~~district; district. Note: as an~~
10 ~~example, the president of the board of directors of the fire district, county manager, or city~~
11 ~~manager;~~
- 12 (4) The name and title of the Fire ~~Chief or his or her designee; Chief;~~
- 13 (5) The physical address of the location of every fire station utilized by the fire department;
- 14 (6) The mailing address of the fire department;
- 15 (7) The Federal (FEIN) Tax ID number of the fire department;
- 16 (8) Copies of any contracts with a local government body to provide fire protection; and
- 17 (9) A Geographic Information System ("GIS") computer-generated map of the fire district, and
18 documentation of the approval of the map by the local governing body if applicable.

19 (b) A fire department may contract with more than one unit of government to provide fire protection.
20 In addition, a local unit of government may contract with more than one fire department to provide fire
21 protection.

22 (c) 9S Re-Inspections. Fire departments shall be re-inspected by ~~OSFM, OSFM~~ at least every ~~40~~
23 ~~seven~~ years and shall be notified by OSFM of such 9S re-inspection in writing at least 30 days in advance. In
24 addition, upon receipt of information alleging noncompliance with this Section that is reviewed and verified by
25 OSFM, OSFM shall perform unannounced re-inspections of fire departments.

26 (d) New Station Inspection. A fire department may request a certification inspection for any ~~new~~
27 ~~additional~~ station that the fire department seeks to include in the rating of its fire district. Before OSFM will conduct
28 the inspection, the fire department must provide the following:

- 29 (1) Proof of Certificate of Occupancy; and
- 30 (2) If the fire department is adding to their rated insurance district with an additional station or making
31 any changes to the ~~insurance~~ response district lines, new maps and approvals in accordance with
32 Subparagraph (a)(9) of this Rule.

33 (e) Merging of fire departments. When two or more fire departments merge into one fire department,
34 OSFM shall conduct a 9S inspection. Before the inspection will be conducted, the fire departments must provide to
35 OSFM the information requirements of required by Paragraph (a) of this Rule.

36 (f) Unless otherwise approved pursuant to Paragraph (g) of this Rule, a fire district may not extend
37 more than five road miles from a responding fire station.

1 (g) A rural fire district may extend its boundaries to more than five ~~road miles~~ but within six road miles from a
2 responding fire department ~~if, in addition to the requirements of Paragraph (a) of this Rule, if~~ the fire department
3 enters a written automatic aid contract with another jurisdiction that requires the responding party to respond with at
4 least one piece of fire apparatus capable of carrying at least 1,000 gallons of ~~water.~~ water and the extension is
5 approved by the board of county commissioners of the county to which the rural fire district is extended.
6

7 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-83-1;~~*
8 *Eff. January 1, ~~2018.~~ 2018;*
9 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0904 is amended as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0904 FACILITIES**

4 (a) ~~A fire station shall be provided with~~ A fire department shall have heating for all-weather protection
5 of ~~apparatus.~~ apparatus at every fire station.

6 (b) ~~———— If a fire department has multiple fire stations, each fire station shall not be more than 10 road miles from~~
7 ~~another fire station within the fire district.~~

8

9 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*

10 *Eff. January 1, ~~2018.~~ 2018;*

11 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0905 is amended as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0905 APPARATUS SPECIFICATIONS AND EQUIPMENT**

4 (a) Engines. All stations shall have at least one engine ~~that is:~~ that:

5 (1) ~~Is Constructed~~ constructed in accordance with NFPA 1901, "~~Standard for Automotive Fire~~
6 ~~Apparatus"; 1901; and~~

7 ~~(2) Annually undergoes a fire pump performance test, as identified in NFPA 1911. If the engine was~~
8 ~~purchased within the previous 12 months, the certification required by Part (a)(3)(A) of this Rule~~
9 ~~shall satisfy this requirement; and~~

10 ~~(2)(3) Is Equipped~~ equipped with the following:

11 (A) A pump certified by an independent third-party certification organization that is
12 accredited for inspection and testing systems on fire apparatus in accordance with NFPA
13 1901, "~~Standard for Automotive Fire Apparatus." 1901.~~

14 (B) A pump rated at not less than 750 GPM at 150 PSI net pump pressure.

15 (C) A tank with at least a 300-gallon capacity.

16 (D) Two 200-foot pre-connected hose lines, with a diameter of 1 ½ inches, 1 ¾ inches, or 2
17 inches, with nozzles that have a minimum flow of 95 GPM.

18 (E) At least 20 feet of hard-suction hose in a size to flow the capacity of the engine, or at
19 least 15 feet of soft-suction hose with a diameter of at least four inches.

20 (F) Four self-contained breathing apparatus (~~SCBA~~) ~~in proper working condition.~~ (SCBA). ~~A~~
21 ~~SCBA shall be considered in proper working condition if the facepiece, back frame and~~
22 ~~harness, cylinder, hoses, low air alarms, regulators, and accessories are tested and~~
23 ~~operational in accordance with manufacturer's recommendations. The SCBA's shall be~~
24 ~~certified in accordance with NFPA 1981, "Standard on Open Circuit Self Contained~~
25 ~~Breathing Apparatus (SCBA) for Emergency Services."~~ To the extent practicable,
26 SCBAs shall comply with NFPA 1981.

27 (G) Four spare SCBA cylinders.

28 (H) One roof ladder at least 12 feet long.

29 (I) One extension ladder at least 24 feet long.

30 (J) One folding ladder.

31 (K) One pike-head axe.

32 (L) One flat-head axe.

33 (M) One forcible entry tool.

34 (N) One pike pole or plaster hook at least 6 feet long.

35 (O) Two portable, rechargeable hand lights ~~suitable for use in hazardous conditions in~~
36 ~~accordance with NFPA 70, "National Electrical Code." 70.~~

37 (P) 100 feet of utility rope, at least ½ inch in diameter.

- 1 (Q) Two ~~20-pound~~, 20-pound, class BC portable extinguishers.
- 2 (R) One 2½-gallon water extinguisher.
- 3 (S) One first aid kit.
- 4 (T) One bolt cutter at least 14 inches long.
- 5 (U) One two-way radio assigned to the apparatus.
- 6 (V) One traffic vest for each riding ~~position~~, position or a minimum of two traffic vests if the
- 7 fire department has issued a traffic vest to all members.

8 (b) Tankers. If a station has a tanker, the tanker shall:

- 9 (1) Be equipped with at least 1,000 gallons of water.
- 10 (2) Be equipped with hoses and equipment for filling the tank and transferring water to the engine.
- 11 (3) Be properly baffled in accordance with NFPA 1901, "~~Standard for Automotive Fire Apparatus.~~"
- 12 1901.
- 13 (4) Be equipped with one traffic vest for each riding ~~position~~, position or a minimum of two traffic
- 14 vests if the fire department has issued a traffic vest to all members.

15 (c) Protective Clothing. Each eligible firefighter shall be provided protective ~~clothing~~ clothing, pursuant to NFPA
16 1851, "~~Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and~~
17 ~~Proximity Fire Fighting,~~" including: Protective clothing provided to eligible firefighters should, to the extent
18 practicable, comply with the requirements of NFPA 1851 and shall include the following:

- 19 (1) Helmet.
- 20 (2) Coat.
- 21 (3) Pants.
- 22 (4) Boots.
- 23 (5) Gloves.
- 24 (6) Hoods.

25 ~~(d) A fire station shall inspect all equipment inventory monthly, and document the inspection.~~

26 ~~(e) A fire station shall perform maintenance on engines and tankers in accordance with manufacturers~~
27 ~~recommendations, and maintain logs documenting all such maintenance.~~

28 ~~(f) A fire department shall perform a fire pump performance test on all engines annually, in accordance with~~
29 ~~NFPA 1911, "Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles."~~
30 ~~1911. If the engine was purchased within the previous 12 months, the certification required by Part (a)(2)(A) of this~~
31 ~~Rule shall satisfy this requirement.~~

32 (d) Fire departments shall ensure that all apparatus are registered with the North Carolina Division of Motor
33 Vehicles and insured.

34 ~~(g)(c)~~ (c) All NFPA standards referenced in this Rule Section are herein hereby incorporated by reference, including
35 subsequent amendments and editions. Copies of these standards are available for public inspection at the
36 Department, or may be viewed online for free at the National Fire Protection Association website at
37 http://www.nfpa.org.

1

2 *History Note:* *Authority G.S. ~~58-2-40~~; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;*

3 *Eff. January 1, ~~2018~~. 2018;*

4 *Amended Eff. [~~May~~] June 1, 2026.*

1 11 NCAC 05A .0906 is amended as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0906 STAFFING LEVELS**

4 (a) Fire Station.

5 (1) Each fire department shall maintain a minimum of 15 eligible firefighters on its roster.

6 (2) Notwithstanding Subparagraph (a)(1) of this Rule, a fire department may maintain fewer than 15
7 eligible firefighters on its roster, provided that the fire department complies with the requirements
8 of 11 NCAC 05A .0909(a) and (b) with respect to responding to all structure fires.

9 ~~(2)(3)~~ (3) Each fire department shall provide a roster **to OSFM** containing the names and ~~date~~ dates of birth
10 of all eligible firefighters. A report submitted to the North Carolina State Firefighters' Association
11 pursuant to G.S. 58-86-25 constitutes compliance with this Subparagraph.

12 ~~(3)(4)~~ (4) Each fire department shall provide current workers compensation insurance certifications **to**
13 **OSFM** for all of its eligible firefighters.

14 ~~(4)(5)~~ (5) Firefighters under the age of 18 will not be counted for purposes of meeting the requirements of
15 this Rule.

16 (b) Additional Fire Stations: ~~Fire~~ fire departments that operate more than one station shall ~~have four additional~~
17 ~~personnel for each additional station.~~ ensure that firefighters operating at each additional station respond to incidents
18 within its rated five or six mile radius in the fire district.

19

20 *History Note:* Authority ~~G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; S.L. 2017-167;~~

21 ~~Eff. January 1, 2018. 2018;~~

22 ~~Amended Eff. **May** June 1, 2026.~~

1 11 NCAC 05A .0907 is amended as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0907 TRAINING**

4 (a) Eligible firefighters shall ~~attend~~ **have attended** at least 36 hours of training ~~annually in the previous 12 months~~ in
5 the area of fire prevention, fire suppression, or protection of life and property. No more than 12 hours of emergency
6 medical services training may be counted toward the 36-hour training requirement.

7 (b) Fire departments shall provide ~~at least four hours of training per month, for~~ a total of 48 hours of training per
8 year.

9 (c) Within one year of appointment, the fire chief of each fire department shall complete a class on management of
10 fire department operations and records approved by the State Fire and Rescue ~~Commission~~ Commission. ~~in~~
11 ~~accordance with G.S. 58, Article 78.~~

12 (d) Fire departments shall maintain training records in accordance with 11 NCAC 05A .0911.

13

14 *History Note: Authority G.S. ~~58-2-40~~; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;*

15 *Eff. January 1, ~~2018~~; 2018;*

16 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0908 is amended as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0908 COMMUNICATIONS AND ALARMS**

4 (a) Fire departments shall utilize ~~the~~ a Public Service Answering Point (PSAP) established pursuant to ~~G.S. 143B,~~
5 ~~Article 15, Part 10, NCFRSR Section 107 D,~~ to receive 911 calls and dispatching, 24 hours per day, 7 [seven] days
6 per week.

7 (b) Notification to firefighters of emergencies may be provided by pagers, portable radios with alerting capabilities,
8 or station alerting devices with paid personnel. Text paging or phone paging by a third party shall not be an
9 acceptable means of ~~notification.~~ notification, unless the paging system is owned by the authority having
10 jurisdiction.

11 (c) In jurisdictions utilizing Automatic Vehicle Location (AVL) systems, the fire department that is responsible for
12 the fire district shall be dispatched, along with the closest unit recommendation of the AVL systems. In accordance
13 with 11 NCAC 05A .0903(g), if a jurisdiction is utilizing AVL for unit dispatch in a six-mile district, it shall ensure
14 that an apparatus with a minimum of 1,000 gallons of water is dispatched as required by the automatic aid protocols.

15

16 *History Note:* Authority ~~G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~

17 ~~Eff. January 1, 2018. 2018;~~

18 Amended Eff. [May] June 1, 2026.

1 11 NCAC 05A .0909 is amended as published in 40:13 NCR 1055 as follows:

2

3 **11 NCAC 05A .0909 RESPONSE TO STRUCTURE FIRES**

4 (a) Each fire department shall ensure the response of at least four of its eligible firefighters and one engine to all
5 structure fires. The fire chief may be one of the four responding members.

6 (b) A fire department with fewer than 15 eligible firefighters on its roster shall ensure the response of at least six of
7 its eligible [firefighters.] firefighters to all structure fires. The fire chief may be one of the six responding members.

8 ~~(b)(c)~~ (c) The fire department responding to a structure fire shall have a plan to provide a minimum flow of 200 GPM
9 for 20 minutes within five minutes of the first arriving engine.

10 (d) Each fire department shall maintain incident reports related to response to structure fires for a minimum of five
11 years.

12 *History Note: Authority G.S. ~~58-2-40~~; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;*

13 *Eff. January 1, ~~2018~~. 2018;*

14 *Amended Eff. ~~May~~ June 1, 2026.*

1 11 NCAC 05A .0910 is amended as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0910 INCIDENT REPORTING**

4 (a) ~~In addition to the requirements of this Rule regarding the storage and deployment of Aqueous Film Forming~~
5 ~~Foam (AFFF), when a fire department responds to a fire, the fire chief shall ensure that a fire incident report is~~
6 ~~completed using software that complies with the current version of the National Fire Incident Reporting System~~
7 ~~(NFIRS).~~

8 ~~(b)(a) A fire department shall keep records on dates, times, and locations of all fires [to which the fire department~~
9 ~~responded] using software that complies with the current version of the NFIRS. [compatible with the records~~
10 ~~management system maintained by OSFM.]~~

11 ~~(a)(b) In addition to the requirements of this Rule regarding reporting the storage and deployment of Aqueous~~
12 ~~Film Forming Foam (AFFF), when a fire department responds to an incident, the fire chief shall ensure that an~~
13 ~~incident report is completed using software compatible with the records management system maintained by OSFM.~~

14 ~~(e) (b) All reports shall be submitted to OSFM as soon as practicable. [In no event shall] Incident reports shall not~~
15 ~~be submitted to OSFM within later than 120 90 days of from incident occurrence.~~

16 ~~(d) (c) When a fire department responds to a fire involving fatalities, an initial report shall be filed by the fire chief~~
17 ~~or fire marshal of the authority having jurisdiction within 48 hours of the incident to the Office of State Fire~~
18 ~~Marshal. OSFM.~~

19 ~~(e) (d) In accordance with G.S. 58-82B-10, an online reporting portal for the storage and deployment of AFFF has~~
20 ~~been created at the following website: <https://www.ncosfm.gov/fire-rescue/ratings-and-inspections/aff-foam>.~~
21 ~~[<https://www.ncosfm.gov>] <https://ncdoi.imagetrendelite.com/Elite/Organizationncdoi/>. This online reporting portal~~
22 ~~consists of an online database and an online reporting tool to capture the storage and deployment of AFFF.~~

23 ~~(f) (e) The fire chief or fire marshal of the authority having jurisdiction shall ensure that the following information~~
24 ~~regarding AFFF inventory for their fire department is entered into the online database:~~

- 25 (1) The number of trucks at each department that carry AFFF, and the fire station or other location,
26 including street address, where each truck is located.
- 27 (2) The volume, trade name, and Chemical Abstract Service (CAS) number of the AFFF on each
28 truck.
- 29 (3) An inventory, including the volume, trade name, and CAS number of AFFF stored by each fire
30 department at a fire station or other location, including the street address where the AFFF is
31 stored.
- 32 (4) The volume, trade name, and CAS number of AFFF products that are no longer utilized and could
33 be removed from inventory for disposal, including the street address where the AFFF is stored.
- 34 (5) A photograph of the label and the container of the AFFF. For the purpose of this Subparagraph, a
35 photograph includes an electronic image produced by the camera of an electronic device. The
36 information entered in the online database shall be updated annually in accordance with G.S. 58-
37 82B-5.

1 ~~(e)~~ (f) When a fire department responds to a fire, conducts training involving AFFF foam in any quantity, or has an
2 accidental spill, the fire chief shall ensure an initial report is entered in the online reporting tool within 15 days of
3 the incident or the training event, including the following:

- 4 (1) The date, time, and location, including street address and GPS coordinates, where AFFF was
5 involved, the trade name, and CAS number of the AFFF used.
- 6 (2) The total volume of AFFF involved, including gallons of foam and gallons of water and total
7 concentration of foam.
- 8 (3) The reason for the deployment of AFFF, such as firefighting, fire prevention, other emergency
9 response actions intended to protect property or public safety, training, or an accidental spill.

10 ~~(h)~~ (g) The fire chief or fire marshal of the authority having jurisdiction shall ensure that an annual report is
11 available in the online reporting tool by July 1st of each year that includes the information required by Paragraph (g)
12 of this Rule.

13
14 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-79-1; 58-79-45; 58-~~*
15 *~~82-5; 58-82-10; 58-82B-5; 58-82B-10; S.L. 2021-180, s. 8.10(i);~~*
16 *Eff. January 1, 2018;*
17 *Amended Eff. ~~May~~ June 1, ~~2026,~~ 2026, June 1, 2023.*

1 11 NCAC 05A .0911 is amended as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0911 RECORDS**

4 (a) A fire department shall maintain the following records for 36 ~~months~~; months for inspection by OSFM:

- 5 (1) Apparatus maintenance logs and equipment inventory for in service engines and ~~tankers, in~~
6 ~~accordance with 11 NCAC 05A .0905~~; tankers. A fire [station] department shall inspect all in
7 service engine and tanker equipment inventory monthly and document the inspection.
- 8 ~~(2) Apparatus equipment inventory checks for all in service engines and tankers, in accordance with~~
9 ~~11 NCAC 05A .0905.~~
- 10 ~~(3)(2) Fire pump performance tests, in accordance with 11 NCAC 05A .0905~~; tests. A fire department
11 shall perform a fire pump performance test on at least one engine annually, in accordance with
12 NFPA 1911. If the engine was purchased within the previous 12 months, the certification required
13 by Part [(a)(2)(A)] (a)(3)(A) of 11 NCAC 05A .0905 shall satisfy the requirement.
- 14 ~~(4)(3) Training records for all eligible firefighters, in accordance with 11 NCAC 05A .0907~~; firefighters.
15 Training records shall include the dates, topics, hours, and personnel in attendance.
- 16 ~~(5)(4) The AFFF inventory and usage reports created in accordance with 11 NCAC 05A .0910.~~
- 17 (5) Records evidencing monthly functional testing of the components of the fire department's self-
18 contained breathing apparatus [SCBA.] (SCBA).
- 19 (6) Evidence of completion of criminal history record checks for each applicant over the age of 18, in
20 accordance with G.S. 143B-1209.24.

21 (b) A fire department shall maintain incident reports related to response to structure fires for a minimum of five
22 years in accordance with 11 NCAC 05A [-0907.] .0910.

23
24 *History Note:* Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; 58-82-5; 58-82-10; 58-
25 82B-5; 58-82B-10;
26 Eff. January 1, 2018;
27 Amended Eff. June 1, 2026; June 1, 2023. [2023;] [May] [June 1, 2026.]

1 11 NCAC 05A .0912 is amended as published in 40:13 NCR 1055 as follows:

2
3 **11 NCAC 05A .0912 NON-COMPLIANCE**

4 (a) Upon completion of an inspection, the OSFM ~~inspector~~ representative will review the inspection results with the
5 fire chief or the chief's designee. Any fire department that fails to meet any of the standards set forth in this Section
6 shall be considered non-compliant for the purpose of determining Fire Insurance District Rating Classifications.

7 (b) A non-compliant fire department shall have a period of ~~30~~ 15 days from the date of the inspection to submit a
8 written corrective action plan to OSFM. The corrective action plan shall address each deficiency found in the
9 inspection and the corrective action the fire department will take in response to the deficiency. If a non-compliant fire
10 department fails to provide a written corrective action plan to OSFM within 15 days from the date of the inspection,
11 OSFM shall consult with the governing body that contracts for the fire district and place the fire department on
12 probation until the fire department provides the written corrective action plan to OSFM, for a period not to exceed
13 three months. If the fire department fails to provide the written corrective action plan to OSFM by the end of the
14 three-month probation period, OSFM shall designate the fire department as "PPC10" (non-certified). ~~Upon receipt of~~
15 approval of the corrective action plan from OSFM, the fire department shall have six months to become compliant. If
16 the fire department remains non-compliant after the expiration of the six-month corrective action period, OSFM shall
17 consult with the entity that operates the fire district and place the fire department on probation until the fire department
18 becomes compliant, for a period not to exceed six months. If the fire department remains non-compliant, OSFM shall
19 designate the fire department as a "PPC10" (non-certified).

20 (c) Upon receipt of approval of the corrective action plan from OSFM, the fire department shall have three months to
21 become compliant. If the fire department remains non-compliant after the expiration of the three-month corrective
22 action period, OSFM shall consult with the governing body that contracts for the fire district and place the fire
23 department on probation until the fire department becomes compliant, for a period not to exceed six months. Upon
24 completion of the probationary period, OSFM shall re-inspect the fire department for compliance. If the fire
25 department remains non-compliant, OSFM shall designate the fire department as a "PPC10" (non-certified).

26 (d) Notwithstanding the provisions of Paragraph (c) of this Rule, a non-compliant fire department that is determined
27 to be non-compliant based on its failure to ensure four eligible firefighters respond to all structure fires shall have a
28 period of 15 days from the date of inspection to submit a written action plan to OSFM and six months from the date
29 of providing the written corrective action plan to OSFM to become compliant. If no structure fires occur in the fire
30 department's fire district within the six-month period following submission of a written corrective action plan to
31 OSFM, OSFM shall re-inspect the fire department for compliance after an additional six months.

32
33 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*

34 *Eff. January 1, 2018; 2018;*

35 *Amended Eff. ~~May~~ June 1, 2026.*

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear, and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "~~a~~Association"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day, ~~;~~ and"
 - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: All 12 Submitted Rules

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Formatting: Did you use the Rule Template, available on OAH's website, when drafting these rules? The formatting seems to be slightly off. For example, the line spacing should be set to 1.5 (see 26 NCAC 02C .0108). **Yes. Formatting and spacing issues have been corrected throughout.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0901

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(10), line 24: For consistency with the rest of the rule, change “shall mean” to “means”. **Done.**

(13), line 31: Add “or” before “municipality”. **Done.**

*(16): I believe there are missing words here. The current version of the rule, as codified, includes “to a building or constructed” before the word “area”. Please check this. Something seems off. **This was the result of a scrivener’s error and has been corrected by restoring the missing language “to a building or constructed.”***

History Note, line 45: “June” should also be italicized. **Done.**

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0902

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b): I believe there is an editorial error here. Should the first sentence still read as, "Fire districts in cities with populations of 100,000 or fewer ..."? Otherwise, the second sentence would conflict with the first sentence. Please confirm. Upon review, the agency has decided that the preexisting language provided more clarity than the revised language. Accordingly, the preexisting language has been restored.

History Note, line 25: "June" should also be italicized. Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0903

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a)(3): For consistency with the rest of the rule, I would suggest changing the added text to: “(e.g., the president of the board of directors of the fire district, county manager, or city manager);” The added text in subparagraph (a)(3) was structured to comply with 26 NCAC 02C .0110, which provides that an agency may include material in the text of a rule which is an illustration of something in the rule provided that the material is preceded by the word “Note:”. See 26 NCAC 02C .0110. Accordingly, the agency has revised the examples set forth in subparagraph (a)(2) to similarly comply with 26 NCAC 02C .0110 to ensure consistency with the amendment to subparagraph (a)(3). If Rules Review Commission staff requests that subparagraphs (a)(2) and (a)(3) both instead include an explanatory parenthetical beginning with “e.g.,” the agency will revise subparagraph (a)(3) as requested here.

History Note, line 46: “June” should also be italicized. Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0904

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a): Is "apparatus" defined anywhere? In statute or rule? "Apparatus" is not separately defined in statute or rule; however, it is a commonly used and well-understood term within the fire service to refer to fire department emergency response vehicles. The term is also used in both the North Carolina General Statutes and NFPA standards in that manner. See, e.g., N.C. Gen. Stat. § 20-157(b) ("It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than one block or to drive into or park such vehicle within one block of where fire apparatus has stopped in an answer to a fire alarm."). Accordingly, the agency believes the term "apparatus" is used in its commonly understood technical sense within the fire service and is sufficiently clear as used in this rule.

History Note, line 11: "June" should also be italicized. Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0905

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Fiscal Impacts: § 150B-21.4(b) states: "Before an agency publishes in the North Carolina Register the proposed text of a permanent rule change that would affect a unit of local government, it must submit the text of the proposed rule change and a fiscal note on the proposed rule change ..." In this rule, you are changing equipment requirements for fire stations, which I assume could be owned/operated by local government units. Why does your rule not require a fiscal note? Does it not potentially "increase or decrease the direct or indirect expenditures or revenues of a unit of local government"?

The agency determined that a fiscal note was not required because the proposed amendments do not create any new substantive equipment or operational requirements that would increase or decrease local government expenditures or revenues within the meaning of G.S. 150B-21.4(b).

The amendment relocating the annual fire pump performance test requirement from former paragraph (f) into the new subparagraph (a)(2) governing engines is organizational only and does not impose any new requirement. Pursuant to the existing paragraph (f), fire departments are already required to perform annual fire pump performance testing in accordance with NFPA 1911. The change was made to improve the clarity of the rule by conveniently locating all the rule's requirements for engines within paragraph (a).

In addition, the amendment to Subparagraph (b)(4) provides an additional compliance option regarding traffic vests and therefore increases flexibility for fire departments rather than imposing any additional requirement. Finally, the requirement that apparatus be registered (with the North Carolina Division of Motor Vehicles) and insured reflects obligations that already exist under North Carolina law and does not create a new substantive requirement unique to this rule.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

(d): Again, is the term “apparatus” defined? Do you just mean all of the equipment required under paragraphs (a), (b), and (c)? Something else? Consider clarifying. Also, “registered” with who?

The agency uses the term “apparatus” in its commonly understood technical sense within the fire service to refer to fire department emergency response vehicles, such as engines and tankers. The term is also used in that manner in the North Carolina General Statutes. See, e.g., N.C. Gen. Stat. § 20-157(b) (“It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than one block...”). The agency does not intend the term “apparatus” to refer to all equipment identified in Paragraphs (a), (b), and (c), but rather to the fire department vehicles addressed by the rule.

With respect to the term “registered,” the agency intends that apparatus be registered with the North Carolina Division of Motor Vehicles, consistent with applicable State motor vehicle laws. To improve the clarity of the rule, the agency has revised paragraph (d) to state: “Fire departments shall ensure that all apparatus are registered “with the North Carolina Division of Motor Vehicles” and insured.

History Note, line 21: “June” should also be italicized. Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0906

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Fiscal Impacts: § 150B-21.4(b) states: "Before an agency publishes in the North Carolina Register the proposed text of a permanent rule change that would affect a unit of local government, it must submit the text of the proposed rule change and a fiscal note on the proposed rule change ..." In this rule, you are changing staffing requirements for fire departments, which I assume could be owned/operated by local government units. Why does your rule not require a fiscal note? Does it not potentially "increase or decrease the direct or indirect expenditures or revenues of a unit of local government"?

The agency determined that a fiscal note was not required because the proposed amendments do not change staffing requirements for fire departments that would increase or decrease local government expenditures or revenues within the meaning of G.S. 150B-21.4(b).

Specifically, new Subparagraph (a)(2) does not impose any additional staffing requirement, but instead provides fire departments with an additional compliance option and greater operational flexibility by permitting departments with fewer than 15 eligible firefighters on their roster to remain compliant if they satisfy the response requirements set forth in 11 NCAC 05A .0909(a) and (b).

Likewise, the amendment to Paragraph (b) removes the requirement that fire departments maintain four additional personnel for each additional station and instead requires that firefighters operating at each additional station respond within the station's rated five- or six-mile radius. The amendment therefore increases flexibility for fire departments and does not impose additional personnel or staffing obligations. The agency does not anticipate that any fire department will incur additional costs as a result of the proposed amendments.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

Accordingly, the agency concluded that the proposed amendments do not increase or decrease the direct or indirect expenditures or revenues of units of local government so as to require preparation of a fiscal note under G.S. 150B-21.4(b).

(a)(3): “Provide” this roster to who? Please clarify. OSFM. The rule has been clarified by adding “to OSFM” after “roster.”

(a)(4): Same comment as (a)(3). OSFM. The rule has been clarified by adding “to OSFM” after “certifications.”

History Note, line 22: “June” should also be italicized. Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0907

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a): To be clear, you're changing this from a calendar year requirement to a requirement that looks back one year from today? So any training hours essentially expire exactly one year after they are completed? That is how I read the updated rule. If so, you should consider changing "attend" to "have attended" on line 4. **Yes, that is correct. "Attend" has been revised to "have attended" as suggested.***

*History Note, line 16: "June" should also be italicized. **Done.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0908

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 5: Could you please provide me a link to the NCFRSRS? I could not find it on your website, and so I couldn't check the reference you're using here to Section 107 D.

The agency confirmed that the citation to "NCFRSRS Section 107 D" in Paragraph (a) is correct. As reflected in 11 NCAC 05A .0101, "NCFRSRS" refers to the Fire Suppression Rating Schedule published by the Insurance Services Office, Inc. (ISO), which is incorporated by reference in the Rules. Due to copyright restrictions applicable to the ISO materials, the agency is unable to distribute copies of the publication, but the incorporated material is available for inspection at the agency.

(a), line 5: You do not need to change "7" to "seven" since you use "24" in the same sentence. See OAH's Style Guide, page 12, for guidance. Done – "seven" has been reverted to "7."

History Note, line 18: "June" should also be italicized. Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0909

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Fiscal Impacts: § 150B-21.4(b) states: "Before an agency publishes in the North Carolina Register the proposed text of a permanent rule change that would affect a unit of local government, it must submit the text of the proposed rule change and a fiscal note on the proposed rule change ..." In this rule, you are adding report maintenance requirements for fire departments, which I assume could be owned/operated by local government units. Why does your rule not require a fiscal note? Does it not potentially "increase or decrease the direct or indirect expenditures or revenues of a unit of local government"?

The agency determined that a fiscal note was not required because the proposed amendments do not create any new substantive operational or recordkeeping requirements that would increase or decrease local government expenditures or revenues within the meaning of G.S. 150B-21.4(b).

Specifically, the new paragraph (d) requires fire departments to retain incident reports related to structure fire responses for a minimum of five years. Existing 11 NCAC 05A .0910 already requires fire departments to keep records on dates, times, and locations of fires using software compliant with the current version of NFIRS. The amendment does not require fire departments to create new categories of reports or implement a new reporting system, but instead addresses retention of records that departments already generate and maintain in the ordinary course of operations.

In addition, the rule does not require records to be maintained in any particular format or medium, such as physical storage or electronic storage, and therefore does not require fire departments to purchase or implement any new storage system, software, or equipment.

Accordingly, the agency concluded that the proposed amendments do not increase or decrease the direct or indirect expenditures or revenues of units of local government so as to require preparation of a fiscal note under G.S. 150B-21.4(b).

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

(b), line 7: Consider adding “to all structure fires” after “eligible firefighters”, if applicable. Done.

History Note, line 14: “June” should also be italicized. Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0910

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b): How is this different than the requirement set forth in (a)? Is it not redundant? Are the records different than the incident reports? The agency agrees that revised Paragraphs (a) and (b) are potentially duplicative. To address the concern and improve clarity, the agency has deleted revised paragraph (a) and retained paragraph (b). The agency has also redesignated the subsequent paragraphs accordingly to conform to this change.

(c), line 14: Consider adding "incident" before "reports". Done.

(c), line 14: Consider changing "In no event shall" to "Reports shall not". Done.

(e), line 21: Are you able to provide a more direct link to the reporting portal, rather than just to your website's home page? This would be more clear. Yes, the link has been substituted with a more direct link to the reporting portal.

History Note: This does not match up with the History Note in the current version of the Code. Please check this. For example, it looks like you are missing a note for, "Amended Eff. June 1, 2023." The history note has been corrected.

History Note, line 54: "June" should also be italicized. Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0911

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Fiscal Impacts: § 150B-21.4(b) states: "Before an agency publishes in the North Carolina Register the proposed text of a permanent rule change that would affect a unit of local government, it must submit the text of the proposed rule change and a fiscal note on the proposed rule change ..." In this rule, you are expanding recordkeeping requirements for fire departments, which I assume could be owned/operated by local government units. Why does your rule not require a fiscal note? Does it not potentially "increase or decrease the direct or indirect expenditures or revenues of a unit of local government"?

The agency determined that a fiscal note was not required because the proposed amendments do not create any new substantive operational or recordkeeping requirements that would increase or decrease local government expenditures or revenues within the meaning of G.S. 150B-21.4(b).

The amendments to 11 NCAC 05A .0911 reorganize or clarify existing recordkeeping obligations already required elsewhere in the rules. For example, the Rule already required maintenance of records relating to apparatus maintenance (see existing 11 NCAC 05A .0905(e)), fire pump performance testing (see existing 11 NCAC 05A .0905(f)), firefighter training (see existing 11 NCAC 05A .0907 and 11 NCAC 05A .0911(4)), AFFF inventory and usage (see existing 11 NCAC 05A .0910 and .0911(5)), and SCBA (see existing 11 NCAC 05A .0905(a)(2)(F)). The amendments primarily clarify the contents of those records or cross-reference existing requirements contained in other rules.

In addition, the new provisions regarding records evidencing completion of criminal history record checks relate to activities already required by existing law or operational practice. See, e.g., N.C. Gen. Stat. § 153A-234(b); see also N.C. Gen. Stat. § 143B-1209.24. The amendments do not require fire departments to purchase or implement any particular records management system, software, storage medium, or equipment.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 30, 2026

Finally, paragraph (b)'s requirements regarding retention of incident reports related to structure fire responses are consistent with existing incident reporting requirements contained elsewhere in the Rules and do not require the creation of new categories of reports.

Accordingly, the agency concluded that the proposed amendments do not increase or decrease the direct or indirect expenditures or revenues of units of local government so as to require preparation of a fiscal note under G.S. 150B-21.4(b).

(a)(1), line 6: Is "A fire station" correct here? Or should this instead say, "A fire department"? "A fire department." Revision made.

(a)(2), line 13: I believe this should reference "Part (a)(3)(A)" based on your amendments to Rule .0905. Correct. The citation has been corrected.

(a)(3), line 15: Please clean up the spacing between "in" and "attendance". Done.

(a)(5): What is "SCBA"? SCBA" refers to self-contained breathing apparatus. To address staff counsel's concern and improve clarity, the agency will revise Subparagraph (a)(5) to state: "Records evidencing monthly functional testing of the components of the fire department's self-contained breathing apparatus (SCBA)."

(b), line 21: Do you mean rule "11 NCAC 05A .0910"? .0907 relates to training. Yes. Correction made.

History Note, line 26: "June 1, 2026" should be inserted **before** "June 1, 2023". Also, please italicize "June". Done.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Office of the State Fire Marshal

RULE CITATION: 11 NCAC 05A .0912

DEADLINE FOR RECEIPT: May 13, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*History Note, line 35: "June" should also be italicized. **Done.***

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Burgos, Alexander N

From: Heuser, Kyle
Sent: Thursday, April 30, 2026 2:53 PM
To: Miller, Christopher S; svc_OSFM.Rulemaking
Cc: Burgos, Alexander N
Subject: RE: State Fire Marshal: Rules for RRC Review

Good afternoon, Chris,

Thank you so much for your work on these rules. I will review with staff and provide our responses to your requests for changes as promptly as possible.

Thanks,
Kyle

Kyle Heuser
Assistant General Counsel



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0100

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, April 30, 2026 2:32 PM
To: Heuser, Kyle <kyle.heuser@ncdoi.gov>; svc_OSFM.Rulemaking <OSFM.Rulemaking@ncdoi.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: State Fire Marshal: Rules for RRC Review

Hello,

I'm the staff attorney who reviewed the rules submitted by the Office of the State Fire Marshal for the May 2026 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, May 28, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is my Request for Changes pursuant to G.S. 150B-21.10. Please submit the responses and revised rules to me via email, no later than **5 p.m. on May 13, 2026.**

Let me know if you have any questions.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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