

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).

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”.

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

(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.

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

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

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 "NCFRS" shall mean the current edition~~
25 ~~of the ISO Fire Suppression Rating Schedule.~~
- 26 ~~(9)-(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) "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) "Response District" means an area within a city, town, 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.~~
- 38 ~~(14) (16) "Structure Fire" means a condition where an actual monetary loss or physical damage has occurred~~
39 ~~area, area due to the result of a fire.~~
- 40 ~~(14) (17) "Tanker" means a fire truck/engine an apparatus designed to carry water to fires, whether equipped~~
41 ~~with or without a pump to dispense the water.~~

42
43 *History Note:* Authority G.S. 58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;
44 Eff. January 1, 2018; 2018;
45 Amended Eff. ~~May~~ June 1, 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

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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.

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

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

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 ("NCFERS")~~. 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.

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);"

History Note, line 46: "June" should also be italicized.

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

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);
- 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 ~~10~~
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.

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

43
44 *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;
45 Eff. January 1, 2018; 2018;
46 Amended Eff. [May] June 1, 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?

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

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

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.

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"?

(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?

History Note, line 21: "June" should also be italicized.

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

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

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

- 46 (1) Be equipped with at least 1,000 gallons of water.
47 (2) Be equipped with hoses and equipment for filling the tank and transferring water to the engine.
48 (3) Be properly baffled in accordance with NFPA 1901, "~~Standard for Automotive Fire Apparatus.~~"
49 ~~1901.~~
50 (4) Be equipped with one traffic vest for each riding ~~position. position or a minimum of two traffic~~
51 ~~vests if the fire department has issued a traffic vest to all members.~~

52 (c) Protective Clothing. Each eligible firefighter shall be provided protective ~~clothing~~ clothing, pursuant to NFPA
53 1851, "~~Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and~~
54 ~~Proximity Fire Fighting," including:~~ Protective clothing provided to eligible firefighters should, to the extent
55 practicable, comply with the requirements of NFPA 1851 and shall include the following:

- 56 (1) Helmet.

- 1 (2) Coat.
- 2 (3) Pants.
- 3 (4) Boots.
- 4 (5) Gloves.
- 5 (6) Hoods.

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

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

9 ~~(f) A fire department shall perform a fire pump performance test on all engines annually, in accordance with~~
10 ~~NFPA 1911, "Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles."~~
11 ~~1911. If the engine was purchased within the previous 12 months, the certification required by Part (a)(2)(A) of this~~
12 ~~Rule shall satisfy this requirement.~~

13 (d) Fire departments shall ensure that all apparatus are registered and insured.

14 ~~(e)~~ (e) All NFPA standards referenced in this Rule Section are herein hereby incorporated by reference, including
15 subsequent amendments and editions. Copies of these standards are available for public inspection at the
16 Department, or may be viewed online for free at the National Fire Protection Association website at
17 <http://www.nfpa.org>.

18
19 *History Note: Authority G.S. ~~58-2-40; 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25;~~*
20 *Eff. January 1, 2018; 2018;*
21 *Amended Eff. ~~May~~ June 1, 2026.*

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"?

(a)(3): "Provide" this roster to who? Please clarify.

(a)(4): Same comment as (a)(3).

History Note, line 22: "June" should also be italicized.

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

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 containing the names and ~~date~~ dates of birth of all
10 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 for all of
13 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.

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

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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.

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

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

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 at least 36 hours of training annually in the previous 12 months in the area of
5 fire prevention, fire suppression, or protection of life and property. No more than 12 hours of emergency medical
6 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.~~

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

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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.

(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.

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

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

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, NCFRS Section 107 D,~~ to receive 911 calls and dispatching, 24 hours per day, ~~7~~ seven days per
6 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.~~

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"?

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

History Note, line 14: "June" should also be italicized.

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

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. The fire chief may be one of the six responding members.

8 ~~(b)(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.*

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?

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

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

(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.

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."

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

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

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 Film~~
12 ~~Forming Foam (AFFF), when a fire department responds to an incident, the fire chief shall ensure that an incident~~
13 ~~report is completed using software compatible with the records management system maintained by OSFM.~~

14 (c) All reports shall be submitted to OSFM as soon as practicable. In no event shall reports be submitted to OSFM
15 within later than 120 90 days of from incident occurrence.

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

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

23 (f) 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.

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

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

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

50
51 *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-~~
52 ~~82-5; 58-82-10; 58-82B-5; 58-82B-10; S.L. 2021-180, s. 8.10(i);~~
53 ~~Eff. January 1, 2018;~~
54 Amended Eff. [May] June 1, 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"?

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

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

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

(a)(5): What is "SCBA"?

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

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

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

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 shall inspect all in service engine and
7 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) 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 SCBA.~~
18 (6) ~~Evidence of completion of criminal history record checks for each applicant over the age of 18, in~~
19 ~~accordance with G.S. 143B-1209.24.~~

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

23 *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-~~
24 ~~82B-5; 58-82B-10;~~
25 ~~Eff. January 1, 2018;~~
26 ~~Amended Eff. June 1, 2023; 2023; [May] June 1, 2026.~~

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.

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

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.*