



# New York State Association of Fire Chiefs

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## Memorandum in Opposition

**S.7588/A.9897**

**Introduced by**

**Senator Ball and Assemblyman Englebright**

*AN ACT to amend the executive law, in relation to live fire training*

On behalf of the 11,000 dues paying members of the New York State Association of Fire Chiefs, we offer this memorandum in opposition to the above referenced bill. Although we understand the need, pursuant to Department of Environmental Conservation regulation to create additional regulation by the Office of Fire Prevention and Control (OFPC), this legislation is both overreaching and inherently changes the relationship between fire departments and this agency.

The creation of definitions in statute, rather than through the regulatory process is both problematic and troublesome. It does not allow for the inherent necessary regulatory flexibility in programs such as training programs. It also removes the ability for the industry to participate in the basic level of the regulatory process by hampering the process with pre-determined definitions.

OFPC already provides training to national standards, yet there is no assurance that this training will continue to be recognized. Nor does the statute assure that those with nationally recognized training would be authorized to provide training. Simply requiring those performing live fire training to have been trained by the Office of Fire Prevention and Control or a nationally recognized equivalent should be standard enough.

Currently the New York State Department of Labor investigates serious injury and death of firefighters (career and volunteer) in training accidents. This agency is well suited to provide such analysis. The Department of Labor often works closely with OFPC to understand fire service operations during such investigations.

Currently OFPC serves as a support agency for local fire departments, particularly during large-scale states of emergency. This congenial relationship assists in ensuring regional response with local fire agencies. To change the relationship by making OFPC an investigatory agency would likely have a long term negative impact.

Access to safe and quality live fire training is clearly the goal of OFPC and our association. We are concerned that this bill, if enacted would limit that access and is written with an eye to achieve just that goal.

It is for the above reasons that we respectfully oppose this legislation.

**“Providing Service To Those Who Serve”**

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