Federal Aviation Administration

Memorandum

Date: May 20, 2014

To: Robert Drake, Acting Manager, Accident Investigation Division, AVP-100

From: Mark Bury, Assistant Chief Counsel for International Law, Regulations and Legislation, Office of the Chief Counsel, AGC-200

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Subject: NTSB Request Number 14-153 – Clarification of training requirements for rescue and firefighting personnel under 14 C.F.R. § 139.319(i)(2)-(3)

This memorandum responds to your request for support in responding to National Transportation Safety Board (NTSB), Office of Aviation Safety, request number 14-153. In its request, the NTSB requested clarification of 14 C.F.R. § 139.319(i)(2)-(3), which requires initial and annual recurrent training for airport rescue and firefighting personnel. Specifically, the NTSB requests clarification on the following four issues:

1. Whether § 139.319(i)(2)-(3) and corresponding guidance apply to all firefighters who are assigned to a certificated airport or only to a minimum number of firefighters at a certificated airport who would be required to "meet index" (i.e., the firefighters required to deliver the necessary vehicles and extinguishing agent to an accident site).
2. Whether § 139.319(i)(2)-(3) and corresponding guidance apply to firefighting command staff at a certificated airport (e.g., Chief, Training Officer).
3. The timetable by which newly hired firefighters and/or command officers must complete this training. Specifically, would a new hire employee be required to be fully trained in all 11 areas and have completed a live-fire drill prior to being assigned to a shift at the airport? If not, would the employee be able to respond to an actual airplane accident at the airport? If so, would there be any prohibitions against the untrained employee driving an ARFF vehicle or operating specialized equipment such as a High Reach Extendable Turret?
4. Whether a command officer at a certificated airport may take on the role of Incident Commander at an actual airplane accident without having the training specified in § 139.319(i)(2) and without having completed a live-fire drill under § 139.319(i)(3).

Section 139.319(i)(2) states, in relevant part, that each certificate holder must ensure that "all rescue and firefighting personnel are properly trained to perform their duties . . . prior to initial performance of rescue and firefighting duties and receive recurrent instruction every 12 consecutive calendar months." Section 139.319(i)(2) also prescribes eleven areas of instruction for that initial and recurrent training. Section 139.319(i)(3) states, in relevant part, that each certificate holder must ensure that "all rescue and firefighting personnel must participate in at least one live-fire drill prior to initial performance of rescue and firefighting duties and every 12 consecutive calendar months thereafter."

The training requirements for rescue and firefighting personnel have existed in some form since part 139 was promulgated in 1972. The purpose of the requirement is to enable personnel to respond to an emergency and properly use the airport's emergency equipment. *See* 50 Fed. Reg. 43094, 43099 (Oct. 23, 1985). Section 139.319(i)(6) requires that "sufficient rescue and firefighting personnel are available during air carrier operations to operate the vehicles, meet the response times, and meet the minimum agent discharge rates." Accordingly, all personnel assigned to rescue and firefighting duties must meet the initial and recurrent training and live-fire drill requirements, even if an airport assigns personnel to those duties above those minimally required to comply with § 139.319(i)(6).

Whether firefighting command staff are subject to the initial and recurrent training requirements under § 139.319(i)(2) depends on whether that staff performs rescue and firefighting duties. Because that section requires training that is appropriate to the individual's duties, training for an individual responsible for directing a rescue and firefighting operation would enable the individual to demonstrate proficiency in each area of instruction necessary to satisfactorily direct a rescue and firefighting operation. However, FAA guidance provides that rescue and firefighting personnel who do not directly fight fires are not expected to complete the initial and recurrent live-fire drill under § 139.319(i)(3). FAA Order 5280-5C chapter 4, paragraph 416(b)(7)(b)(ii).

Although guidance materials do not specify a particular timeline for initial training, § 139.319(i)(2)-(3) requires that the training and live-fire drill be completed prior to performance of rescue and firefighting duties. The FAA acknowledges that some airports may assign rescue and firefighting personnel for purposes other than responding to airport rescue and firefighting events (e.g., fire or other emergency events in the terminal, structural events off-airport), but rescue and firefighting personnel may not be assigned as primary responders to rescue and firefighting operations described in the airport emergency plan prior to completing training required under § 139.319. Additionally, such untrained personnel may not operate the airport's firefighting equipment.

The FAA's Advisory Circular 150/5200-31C (Airport Emergency Plan) defines an Incident Commander as:

> The individual tasked with the direction and control of emergency response personnel and equipment, as well as provide overall management at a specific incident site, including public safety and public information. The goal of the IC is to obtain the maximum productivity from all on-

scene resources. The individual in this position may change depending on the scope, intensity, and duration of the incident.

FAA AC 150/5200-31C chapter 6, section 1, paragraph 6-1-2(d)(1)(i). The Incident Commander position is a communications and coordination role for various situations described in an airport's emergency plan rather than a position limited to airport rescue and firefighting. Because of that broad role, the training requirements under § 139.319(i)(2) may not apply to an Incident Commander because that person could rely on the trained firefighting command staff responsible for directing the rescue and firefighting operation.

This response was coordinated with the Airport Safety and Operations Division of the Office of Airports. We hope this response has been helpful.