

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

NOTICE OF MODIFICATION TO TEXT OF

PROPOSED NEW CHAPTER AND SECTIONS

**TITLE 19, CALIFORNIA CODE OF REGULATIONS
CHAPTER 1.1. PRIVATE FIRE PREVENTION RESOURCES**

Pursuant to Government Code section 11346.8, subdivision (c), and California Code of Regulations, title 1, section 44, the Governor's Office of Emergency Services (Cal OES) hereby provides notice of changes to proposed sections 2470.1, 2470.2 and 2470.3, of the California Code of Regulations, Title 19. The text with proposed modifications indicated in underline and strikeout is included with this Notice.

15-Day Written Comment Period

Any written comments concerning this proposed modification of text, regardless of the form or method of transmission, must be received by Cal OES no later than May 2, 2022, the designated close of this 15-day written comment period. Cal OES strongly recommends that written comments be submitted electronically, rather than in paper form, to Jeff.meston@caloes.ca.gov and lori.lopez@caloes.ca.gov.

Comments submitted in paper form can be mailed or delivered in person to:

Jeff Meston
Deputy Fire Chief
Fire/Rescue Division
Governor's Office of Emergency Services
3650 Schriever Ave
Mather, CA 95655

Cal OES is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and e-mail may be available to third parties.

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

FINAL PROPOSED REGULATORY TEXT

The proposed regulations consist entirely of new additions to the California Code of Regulations. The text of the proposed regulations originally noticed is presented without underline. Changes made to the originally noticed proposed regulatory text are stricken and underlined below.

CALIFORNIA CODE OF REGULATIONS TITLE 19. PUBLIC SAFETY DIVISION 2. CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES CHAPTER 1.1. PRIVATE FIRE PREVENTION RESOURCES

~~§ 2470.1 – Purpose and Scope~~

~~These regulations establish the standards for private fire prevention resources operating during an active fire incident and the standards for equipment used by private resource operators during an active fire incident.~~

~~NOTE: Authority cited: Sections 14867(a) and 14868(a), Health and Safety Code. Reference: Sections 14865–14868, Health and Safety Code.~~

§ 2470.12 – Definitions

The following definitions apply to this chapter:

- (a) “Active Fire Incident” means a fire where the Incident Commander has not yet declared the fire extinguished.
- (b) “Backfire” means a fire set along the inner edge of a control line, to consume the fuel in the path of an advancing fire, or to change the direction or force of the main fire’s spread.
- (c) “Emergency Lights” means the red and blue lights authorized on emergency vehicles as defined in California Vehicle Code Sections 25252 and 25258.

(~~de~~) "Evacuation" means an organized, phased, and supervised withdrawal, dispersal, or removal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas.

(~~ee~~) "Evacuation Area" means a geographic area from which civilians have been evacuated pursuant to an evacuation order and where movement and entry are controlled by fire and law enforcement personnel having jurisdictional authority. Evacuation area controls remain in effect until an evacuation order is lifted by the initiating law enforcement entity.

(~~fe~~) "Evacuation Order" means an order issued by the jurisdictional authority to immediately vacate an evacuation area and close the area to public access due to an imminent threat to life and/or property.

(~~gf~~) "Evacuation Warning" means alerting community members in a defined area of a potential threat to life and/or property. Those who require additional time to evacuate, and those with pets and livestock, should leave the area when an evacuation warning is issued.

(~~he~~) "Global Positioning System" (GPS) means a system of navigational satellites operated by the United States Department of Defense and available for civilian use.

(~~ih~~) "Incident" has the same meaning as defined in California Code of Regulations, Title 19, Section §2402(j).

(~~ji~~) "Incident Command" means the organizational authority with responsibility for the management of the Incident Command System, as defined in California Code of Regulations, Title 19, Section §2402(m).

(~~kj~~) "Incident Commander" has the same meaning as defined in California Code of Regulations, Title 19, Section §2402(l).

(~~lk~~) "Pre-Treatment" means the use of water, foam, retardant, or other fire limiting devices or products upon infrastructure, residences, structures, property and vegetation in advance of a fire, or the removal or reduction of vegetation or other fuel by active means, including, but not limited to, dozing, scraping, cutting and removing in advance of a fire.

~~(m)~~ "Private Fire Prevention Resources" means the personnel, entities and equipment hired by private persons or entities and operating during an active fire incident. These private resources are not employed by or otherwise associated with the agency having jurisdictional authority over the incident response or any other public agency involved in the incident response.

~~(n)~~ "Restricted Area" means an area that only authorized persons can enter.

~~(o)~~ "Situational Awareness Tracking System" means the process and tools used for gathering and sharing information during emergency management incidents to assist with communication, coordination and collaboration.

~~(p)~~ "State Incident Management System" means the standardized process, structure and plan used for responding to, managing, and coordinating an incident within any jurisdiction or across multiple jurisdictions.

~~(q)~~ "Values-at-Risk" means the elements of a community or natural area considered valuable by an individual or community that could be negatively impacted by a fire or fire response operations. These values can vary by community and may include a variety of assets or resources, including homes or other structures, insured assets, water supply, commercial, industrial or agricultural assets, power grids, natural and cultural resources, community infrastructure, and other economic, environmental, and social resources.

NOTE: Authority cited: Sections 14867~~(a)~~ and 14868~~(a)~~, Health and Safety Code.
Reference: Sections 14867~~(b)~~ and 14868~~(a)(1)-(3)~~, Health and Safety Code.

§ 2470.23 – Use of Private Fire Prevention Resources

(a) Private fire prevention resources shall:

- (1) Comply with any orders, restrictions or commands from the Incident Commander or Incident Commander ~~D~~designee, including leaving the evacuation area when ordered to do so and not returning until authorization to reenter the area is received;
- (2) Communicate with Incident Command and receive Incident Command approval before entering an otherwise restricted area;
- (3) Designate a representative that reports to Incident Command and can, at all times, contact the private fire prevention resource and

communicate the resource's location and movements to Incident Command;

(4) Be equipped with a Global Positioning System (GPS) that is compatible with the state's incident management system and situational awareness tracking system, so the private resource representative and Incident Command can locate private fire prevention resource personnel in the event of an evacuation;

(5) Monitor Incident Command radio frequencies assigned to a particular incident, as permitted under Part 90 of Title 47 of the Code of Federal Regulations, but not communicate on Incident Command radio frequencies without prior approval from Incident Command;

(6) Whenever possible, focus on pre-fire treatment activities and pretreatment of values-at-risk and other nonemergency activities outside of a restricted area to ensure safety, clear command and control, and minimize potential liability issues; and

(7) Clearly label all equipment "nonemergency".

(b) Private fire prevention resources shall not:

(1) Use emergency lights or sirens on their vehicles;

(2) Have any labeling on their vehicles that indicates the operators are public fire department personnel or any other public safety personnel; or

(3) Set a backfire or cause a backfire to be set unless given permission to do so by a state or federal forest officer, Incident Commander or Incident Commander Designee.

(c) Any private fire prevention resource that fails to comply with any provision of this section ~~may be~~:

(1) Shall be ~~R~~removed from the active fire incident area or prohibited from entering an active fire incident area if removal or prohibition does not impede the jurisdictional authority's firefighting effort; and

(2) May be Guilty of a misdemeanor, pursuant to California Penal Code Section §409.5 and/or California Public Resources Code Section §4165.

NOTE: Authority cited: Sections 14867~~(a)~~ and 14868~~(a)~~, Health and Safety Code.
Reference: Sections 14867~~(b)~~ and 14868~~(a)(1)-(3)~~, Health and Safety Code,
Section 409.5, Penal Code, and Public Resources Code Section §4165.