



Texas Commission on Fire Protection

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Department Heads/Administrators,

I hope this letter finds you well. I am writing to ask for your assistance in the timely reporting of injuries. As you are aware, several years ago, the Legislature placed the responsibility for tracking and investigating Firefighter injuries on TCFP. You see the results of this work each year in our annual Injury Report which is released in September and is now required Continuing Education each year. Below is the Texas Administrative Code adopted by the Commission.

§435.23. Fire Protection Personnel Injuries.

(a) A regulated entity [fire department] shall report all Texas Workers' Compensation Commission reportable injuries that occur to on-duty regulated fire protection personnel on the Commission form.

(b) Minor injuries are those injuries that do not result in the fire protection personnel [fire fighter] missing more than one duty period or does not involve the failure of personal protective equipment. Minor injuries shall be reported within 30 business days of the injury event.

(c) Major injuries are those that require the fire protection personnel [fire fighter] to miss more than one duty period. Major injuries shall be reported within five business days of the injury event.

(d) Investigable fire protection personnel injuries are those resulting from the malfunction of personal protective equipment, failure of personal protective equipment to protect the fire protection personnel [fire fighter] from injury, or injuries sustained from failure to comply with any provision of Commission mandated department SOPs. Investigable injuries shall be reported within five business days of the injury event.

(e) The regulated entity shall secure any personal protective equipment involved in an investigable fire protection personnel injury and shall be made available to the Commission for inspection.

Recently, we have seen some significant delays in reporting injuries, especially major ones. While we do not suspect this to be intentional, it has created difficulty in our staff's ability to comply with the law and the Administrative Code.

I am respectfully requesting that all regulated entities ensure that any reportable injuries occurring are reported within the outlined timeframe. In addition, when PPE is involved and suspected of failing to provide the protection for which it is designed and used for, that article needs to be secured until a TCFP Compliance Officer can contact you to discuss the situation as reported.

As for any investigations, our Compliance Division reviews all reported "Major" injuries to determine what if any concerns exist. When concerns are identified, a Compliance Officer will work in partnership with the regulated entity, to ensure an appropriate level of investigation occurs. The purpose of these investigations is not intended as punitive in nature but an effort to identify significant concerns with Protective clothing in an effort to work with the manufacturer to correct design issues.

I appreciate your assistance in this matter and encourage you to reach out to your Compliance Officer with any questions or concerns.

Respectfully,

Mike Wisko

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Agency Chief