



# CITY OF HOUSTON

## Fire Department

*Promoting Excellence as the World's Largest Accredited Municipal Fire Agency*

**Sylvester Turner**  
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April 18, 2023

The Honorable Paul Bettencourt  
Chair, Senate Committee on Local Government  
P.O. Box 12068  
Austin, Texas 78711

RE: SB 1626 - Relating to an annual occupational medical examination for fire fighters.

Dear Chair Bettencourt,

Thank you for the opportunity to submit testimony on SB 1626 on behalf of Houston Fire Department. Houston Fire Department has made significant investments in its health and safety program since January 2017. This has included funding the installation of exhaust removal systems for all city fire stations, the acquisition of a bunker gear extractor and washer for each fire facility (100 in total), the issuance of half mask respirators and particulate filters for all personnel and beginning the process of securing a second set of bunker gear for our emergency response personnel. In addition, Houston Fire Department has secured funding to provide occupational medical examinations aligned with National Fire Protection Association (NFPA) 1582 guidance for all uniformed personnel, at no cost to the firefighter, by June 2024. We would not have made such investments unless we believed health and safety is a priority; however, we have some concerns regarding the introduced version of SB 1626, which mandates fire departments offer annual occupational medical evaluations for firefighters.

Due to the unique health and safety risks of firefighting, NFPA has developed standards on the content of occupational medical physicals for firefighters. The application of these standards should be determined by the physician rather a state agency or statute. The introduced version of the bill assigns the Texas Commission on Fire Protection (TCFP) with rulemaking authority for this task. TCFP currently has no physicians on its governing board, advisory committees, or staff. The legislation also lists a series of tests and screenings that may be redundant and extraneous to NFPA-recommended practices. NFPA also stresses that this standard should be used as a guide, it does not mandate or enforce compliance. Although its authors include fire service-based physicians, NFPA notes that it "does not independently test, evaluate, or verify the accuracy of any information or soundness of any judgments" in its standards.

In addition, the Federal Emergency Management Agency (FEMA) compelled NFPA to implement emergency revisions on this standard earlier this month due to discriminatory impacts of having separate requirements for candidate and incumbent firefighters. NFPA-based occupational medical physicals would not be eligible for FEMA-grant support moving forward without these changes, and FEMA has yet to confirm if these changes are sufficient. NFPA also has plans to consolidate and release new standards affecting firefighter health and safety by 2025. Requiring occupational medical physical examinations by the June 2024 deadline may prove problematic as the local fire departments need to determine the impact of these changes. Although we respect the NFPA standard development process, local fire departments ultimately may be in the best position to determine the content and administration of evaluations that should be offered.

The introduced version of SB 1626 confirms the ability of a fire department to offer occupational medical evaluations as part of its charge. This sends a signal to personnel that have resisted occupational medical evaluations in the past that health and safety is a priority in the fire service, but this is only part of the solution. Local fire departments need to have the fiscal discretion to appropriate funds for other health and safety needs related to equipment or training. Thus, changing the language from mandatory to permissive would be welcomed. Thank you for reviewing our comments on this legislation.

Respectfully,

A handwritten signature in blue ink, appearing to read 'S. Peña', with a long horizontal line extending to the right.

Samuel Peña  
Fire Chief, Houston Fire Department