

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd  
Sacramento, CA 95816-7083  
www.post.ca.gov

**Date:** March 23, 2007

**Bulletin:** No. 2007-08

**Subject:** Notice of Proposed Regulatory Action – Incident Command System (ICS) 300 and 400 Course for Response Personnel (NIMS Training) Regulations 1070, 1081, and 1082

At its October 26, 2006 meeting, the Commission approved a proposal to amend Commission Regulations 1070, 1081, and 1082. The proposal implements the requirements of the Homeland Security Presidential Security Directive-5 (Managing Domestic Incidents) and California Government Code § 8607, which requires specified training for all first responders prior to October 1, 2007, in the use of the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS), and the Incident Management System (ICS).

As a result, the 16-hour ICS 300 & 400 Course for Response Personnel will be the standardized course for peace officers and first responders at rank of first-line supervisor through command staff who may be tasked to respond to an emergency incident. Instructors will be required to complete the 24-hour ICS 300 & 400 Train-the-Trainer Course for Response Personnel prior to delivery or presentation of the 16-hour response course. The regulation amendments also identify the minimum curriculum content that must be included in both the response and instructor courses.

Go to [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp) to access these related documents:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Please direct inquiries about this proposed regulatory action to Patricia Cassidy, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at [Patti.Cassidy@post.ca.gov](mailto:Patti.Cassidy@post.ca.gov), by telephone at 916.227.4847, or by FAX at 916.227.5271. Donald Lane is the back-up contact person for this proposal; he is available by email at [Donald.Lane@post.ca.gov](mailto:Donald.Lane@post.ca.gov), or by telephone at 916.227.3916.

HAL SNOW  
Interim Executive Director

Attachment: Notice of Proposed Regulatory Action

**NOTICE OF PROPOSED REGULATORY ACTION**  
**Incident Command System (ICS) 300 and 400 Course for Response Personnel (NIMS Training), Regulations 1070, 1081, and 1082**

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Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code §13503 - powers of the Commission on POST, and §13506 - Commission on POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503 (e) - Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses, §13519.12 - Commission on POST authority to establish training standards involving the responsibilities of first responders to terrorism incidents and training standards for related instruction.

**Public Comments Due by May 7, 2007**

The Commission requests written comments on the proposed actions. POST must receive the written comments no later than 5:00 p.m. on May 7, 2007. Please send written comments to Hal Snow, Interim Executive Director, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.5271.

A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**Informative Digest/Policy Statement Overview**

Senate Bill 1350 (McPherson), signed into law and enacted in Penal Code §13519.12, requires POST to:

1. Establish training standards for and develop a course of instruction to address the responsibilities of first responders to terrorism incidents that:
  - Includes criteria for the curriculum content required by Homeland Security Presidential Directive (HSPD) 5 (Managing Domestic Incidents).
  - Covers the required federal and state training needs of peace officers who may be tasked to respond to an emergency incident.
  - Is developed in consultation with the Governor's Office of Emergency Services (OES) and subject matter experts.
2. Use a variety of formats to develop a course of instruction to train trainers and first responders for maximizing the availability and delivery of this training.

POST has developed the 16-hour ICS 300 & 400 Course for Response Personnel (SEMS/NIMS/ICS) and the 24-hour ICS 300 & 400 Train-the-Trainer for Response Personnel (SEMS/NIMS/ICS) instructor courses. Both courses meet or exceed the content requirements identified by the National Information Center. The POST Commission approved both courses in October 2006. The Department of Homeland Security, Office of Grants and Training, also accepted the course for federal review and approval. The two proposed courses meet or exceed all federal training requirements and are consistent with requirements of Government Code 8607.

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The proposed changes to Regulations 1070, 1081, and 1082 will:

- Provide standardized delivery of first responder to domestic incidents
- Require instructors to complete the POST-certified 24-hour trainer course prior to the delivery or presentation of the 16-hour basic course
- Specify the curriculum content for both courses

As indicated in HSPD-5, all federal, state, local, and tribal governments must comply with the implementation and training requirements prior to October 1, 2007. HSPD-5 requires all agencies to use the National Incident Management System (NIMS) and Government Code 8607 requires the use of the Standardized Emergency Management System (SEMS) when responding to incidents in California.

Federal requirements require that all government employees who may be tasked to respond to an incident receive specified levels of training. The two proposed courses meet or exceed federal and state training requirements currently in effect, including those for ICS-300, ICS-400, and IS-800.

**Adoption of Proposed Regulations**

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, it will make available the text of any modified language, clearly indicated, at least 15 days before adoption to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text becomes available.

**Text of Proposal, Rulemaking File, and Internet Access**

The following information regarding the proposed regulatory action is available on the POST website at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Individuals without Internet access may request a copy of the above documents by calling 916.227.4847, or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2007-08. The rulemaking file, which contains the above-mentioned documents and all information upon which POST is basing this proposal, will be available for inspection during the Commission's normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST at the above telephone number, write to the address under Contact Persons at the end of this notice, or view the document on the POST Internet website at the address cited above.

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**Estimate of Economic Impact**

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non-Discretionary Costs/Savings to Local Agencies: None
- Local Mandate: None
- Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None
- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.
- Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect of Proposal on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would not affect housing costs.

**Assessment**

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

**Consideration of Alternatives**

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

**Contact Persons**

Please direct inquiries or comments about this proposed regulatory action to Patricia Cassidy, at Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at [Patricia.Cassidy@post.ca.gov](mailto:Patricia.Cassidy@post.ca.gov). The back-up contact person is Donald Lane; he is available by telephone at 916.227.3916, or by email at [Donald.Lane@post.ca.gov](mailto:Donald.Lane@post.ca.gov).