

INITIAL STATEMENT OF REASONS

Incident Command System (ICS) 300 and 400 Courses for Response Personnel (NIMS Training), Regulations 1070, 1081, and 1082

POST is proposing amendments to Commission regulations to meet the requirements of Homeland Security Presidential Directive (HSPD-5) and Government Code Section 8706. The proposed two amendments to Regulations 1070, 1081, and 1082 accomplish the following:

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

Homeland Security Presidential Directive-5 requires each governmental entity to implement, integrate, and utilize the National Incident Management System (NIMS), and to comply with federal requirements no later than October 1, 2007. Persons to receive training include, but are not limited to, any employee of a public agency at the state, county, local, or tribal government level who may be tasked to respond to an emergency incident. Therefore, there is no language proposed to establish who must attend the eight-hour course other than compliance with federal HSPD-5 and California Government Code 8607.

POST established a committee of subject matter experts from local, state, and national sources in the field of emergency management who worked with staff on blending appropriate training objectives from established and required state curriculum and the new required federal curriculum pursuant to Governor Schwarzenegger's Executive Order S-2 in February 2005. The resulting course curriculum meets all current federal and state training requirements.

Justification - Regulation 1070 (b)

The proposed amendments add the ICS-300 & ICS-400 Train-the-Trainer Course (SEMS/NIMS/ICS) to the "Training Course" column, and the Terrorism and Weapons of Mass Destruction (WMD) Awareness category to the "Specialized Subject" column. Completion of the identified instructor course is required prior to the presentation of the related specialized subject. This specialized subject may be the subject of a stand-alone course or a specialized subject taught within a larger course. This regulation also requires instructors to complete the required instructor course specified in Regulation 1082 prior to the presentation of specialized subjects.

The proposed amendment also adds "Instructor" to the Public Safety ... course title, to correct an inadvertent omission and for consistency with the course title in existing Regulation 1082 (d) (19).

Justification - Regulation 1081 (a) and new (a) (38)

The proposed amendment adds a new section that identifies the legislatively mandated course, ICS-300 & 400 Course for Response Personnel (SEMS/NIMS/ICS), the minimum course content requirements, and the course hours, developed pursuant to the federal requirements of HSPD-5 and California requirements in Government Code 8607.

The proposed amendment also renumbers subsequent section numbers accordingly.

Justification - Regulation 1082 (d)

The proposed amendment adds a new section that identifies the legislatively mandated instructor course, ICS-300 & ICS-400 Train-the-Trainer Course (SEMS/NIMS/ICS), the minimum course content requirements, and course hours, developed pursuant to the federal requirements of HSPD-5 and California requirements in Government Code 8607.

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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 have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact 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 this proposed action.

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 effected private persons than the proposed action.