

Certification Is Not Synonymous with Qualifications: Why Attorneys Should Evaluate Fire Investigators Under Rule 702 and NFPA 1033, Not Just Professional Credentials

When attorneys begin searching for a fire origin and cause expert, one of the first qualifications they often request is that the investigator be "certified." While certification may demonstrate that an individual has successfully completed a testing process through a professional organization, it should not be mistaken for the legal or technical standard by which fire investigators are evaluated.

The terms "certification" and "qualification" are frequently used interchangeably, but they are not synonymous. Understanding the distinction can be critical when selecting an expert whose opinions will withstand judicial scrutiny and assist the trier of fact.

The Industry Standard Is Competency—Not Certification

Contrary to what many attorneys believe, **there is no universally adopted industry standard requiring a fire investigator to hold a certification issued by organizations such as the International Association of Arson Investigators (IAAI), the National Association of Fire Investigators (NAFI), or other professional associations.** These certifications are voluntary professional credentials. They are respected within the profession, but they are not universally required to perform fire investigations or to testify as an expert.

Instead, courts generally examine whether an expert is qualified under Federal Rule of Evidence 702 (or the applicable state rule of evidence), considering the individual's knowledge, skill, experience, training, and education. In the fire investigation profession, **NFPA 1033, Standard for Professional Qualifications for Fire Investigator**, has become the widely recognized consensus standard describing the minimum job performance requirements and requisite knowledge expected of fire investigators.

Understanding the Difference Between Certification and Qualification

It is important to distinguish between a professional certification and a professional qualification. Certifications issued by organizations such as the IAAI or NAFI are voluntary credentials awarded by private organizations after an applicant satisfies that organization's eligibility requirements and examination process. NFPA 1033, however, identifies the body of knowledge and competencies expected of a fire investigator. While many certified investigators also satisfy NFPA 1033, certification itself is not synonymous with meeting the standard, nor does the absence of a particular certification necessarily mean an investigator lacks the qualifications required under NFPA 1033 or Rule 702. Courts routinely evaluate an expert's education, training, experience, knowledge, and methodology—not simply the credentials appearing after the expert's name.

What NFPA 1033 Requires

NFPA 1033 identifies numerous areas of requisite knowledge that a competent fire investigator should possess, including but not limited to:

Fire science

Fire chemistry

Thermodynamics

Thermometry

Explosion dynamics

Fire dynamics

Electrical systems

Structural systems

Fire protection systems

Fire investigation methodology which includes evidence recognition, documentation, collection, and preservation (NFPA 921).

The standard also recognizes that investigators must maintain competency through continuing education and ongoing professional development because fire investigation is an evolving scientific discipline.

Certification Is One Credential—Not Proof of Competency

Professional certifications unquestionably have value. Organizations such as the IAAI and NAFI administer rigorous examinations intended to evaluate an applicant's knowledge and experience. Earning these credentials demonstrates dedication to the profession and a commitment to continuing education. However, certification alone does not establish that an investigator:

Possesses experience investigating fires like the case at hand.

Meets the competencies identified in NFPA 1033.

Properly applies accepted scientific methodology.

Has extensive courtroom testimony experience.

Can effectively explain complex technical issues to judges and juries.

Likewise, an investigator who does not possess a particular certification should not automatically be considered unqualified if they possess the education, training, experience, and specialized knowledge required by Rule 702 and the competencies recognized within NFPA 1033.

Courts Focus on Qualifications and Reliable Methodology

Federal Rule of Evidence 702 provides that an expert may be qualified by knowledge, skill, experience, training, or education. Notably, certification is not listed as a prerequisite for expert testimony.

The United States Supreme Court reinforced this principle in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), holding that trial judges must evaluate whether expert testimony is both relevant and reliable. The Court's focus was not on certifications, but rather on whether the expert employed reliable principles and methods.

That principle was extended beyond purely scientific testimony in *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), where the Supreme Court held that the trial court's gatekeeping responsibility also applies to technical and specialized experts, including those whose expertise is based primarily upon practical experience.

For fire investigators, courts have repeatedly recognized **NFPA 921, Guide for Fire and Explosion Investigations**, as representing a reliable investigative methodology. In *Travelers Property Casualty Corp. v. General Electric Co.*, 150 F. Supp. 2d 360 (D. Conn. 2001), the court recognized NFPA 921 as an accepted scientific methodology for fire investigations. Likewise, in *Royal Insurance Co. v. Joseph Daniel Construction, Inc.*, 208 F. Supp. 2d 423 (S.D.N.Y. 2002), the court again relied upon NFPA 921 when evaluating the reliability of expert opinions under *Daubert*. Similarly, *Fireman's Fund Insurance Co. v. Canon U.S.A., Inc.*, 394 F.3d 1054 (8th Cir. 2005) emphasized the importance of employing reliable investigative principles rather than merely relying upon unsupported conclusions.

Collectively, these authorities demonstrate that courts examine how an investigator reached an opinion—not whether the investigator possesses a particular certification.

NFPA 1033 and NFPA 921 Serve Different Purposes

Attorneys should understand that NFPA 1033 and NFPA 921 complement one another but address different issues.

NFPA 1033 addresses whether the investigator possesses the requisite knowledge and competencies expected of a fire investigator.

NFPA 921 provides the accepted methodology for conducting fire and explosion investigations.

In many respects, these standards mirror the analysis performed by courts under Rule 702:

Is the expert qualified?

Did the expert employ a reliable methodology?

Was that methodology reliably applied to the facts of the case?

Experience Still Matters

Fire origin and cause investigations frequently involve issues extending well beyond identifying where a fire began. A qualified expert may also be called upon to evaluate:

Fire department operations

Incident command decisions

Fire suppression tactics

Building construction

Electrical systems

Fire protection systems

Code compliance

Scene preservation

Evidence handling

Human factors

Coordination with law enforcement agencies

Decades of investigative experience, supervisory responsibility, teaching, technical training, and courtroom testimony often provide expertise that cannot be measured solely by professional certifications.

Questions Attorneys Should Ask

Rather than asking only whether an investigator is certified, attorneys should consider asking the following questions:

Do you satisfy the competencies identified in NFPA 1033?

What education and specialized training does the investigator possess?

How many origin and cause investigations has the investigator conducted?

Has the investigator investigated incidents like this type of case?

Are the investigators' investigative methods consistent with NFPA 921?

Have the investigators' opinions previously been admitted by courts?

What continuing education has the investigator completed in fire investigation?

These questions provide a far more meaningful assessment of competency than certification status alone.

Conclusion

Professional certifications are valuable credentials that demonstrate commitment to the fire investigation profession. They should be considered as one component of an investigator's qualifications—not as the sole measure of competency.

Ultimately, courts evaluate expert witnesses based upon their knowledge, skill, experience, training, education, and the reliability of the methodology they employ. For fire investigators, NFPA 1033 provides the widely recognized framework for professional competencies, while NFPA 921 provides the accepted methodology for conducting fire investigations.

Attorneys who appreciate the distinction between **certification** and **qualification** are better positioned to retain experts whose opinions are grounded in recognized professional standards, reliable investigative methodology, and extensive practical experience rather than relying solely on credentials appearing after an expert's name.