

The Subcommittee on Oversight, Investigations, and Emergency Management

Hearing on

Fire Grants: H.R. 1168, H.R. 3351, and the Administration's Proposal for Assistance to Firemen

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PURPOSE

The purpose of this hearing is to receive testimony on proposals to create a new federal grant program for assistance to fire and emergency services. The federal agencies participating in this hearing are the Department of Transportation's Research and Special Programs Administration and the Federal Emergency Management Agency's U.S. Fire Administration. Representatives of the fire and emergency services as well as Members of Congress will also testify.

BACKGROUND

At the request of Members of Congress, the Subcommittee will hold a hearing on three proposals: (1) H.R. 1168, a bill to authorize the Federal Emergency Management Agency (FEMA) to make grants to fire departments; (2) H.R. 3155, a bill directing the Secretary of Transportation to establish a grant program to provide assistance to emergency response organizations; (3) H.R. 4128, a bill to authorize appropriations to address the needs of state and local emergency responders; and (4) the Administration's FY 2001 budget proposal for a pilot demonstration firefighter grant program.

H.R. 1168

On March 17, 1999, Congressmen Bill Pascrell and Curt Weldon introduced H.R. 1168, which would establish a federal grant program for fire departments to protect the health and public safety of the public and firefighters. It was referred to the Committee on Science with the Committee on Transportation and Infrastructure receiving a sequential referral.

The bill authorizes FEMA to make competitive grants to fire departments for the following purposes:

- hiring firefighters;
- training in firefighting, emergency response, arson prevention and

detection, handling hazardous materials or training personnel to provide this training;

- create rapid intervention teams to protect firefighters at fires or other emergencies.
- to certify fire inspectors and enforce fire codes;
- to establish wellness and fitness programs for firefighters;
- to fund emergency medical services;
- to purchase firefighting vehicles including fire trucks;
- to purchase firefighting equipment for monitoring, communications and personal protection;
- to renovate fire stations and other facilities for the protection of health and safety of firefighters; and
- to fund fire prevention programs and to educate the public about arson prevention and detection.

Grant recipients are to include paid, volunteer, and combination fire departments located in communities of varying size in urban, suburban, and rural areas. Grant applicants must make a 10 percent non-federal match and not more than 25 percent of grant money awarded by FEMA may be used in any fiscal year to purchase firefighting vehicles including fire trucks.

The bill authorizes \$1 billion for each of the fiscal years 2000 through 2005.

H.R. 3155

This legislation was introduced on October 27, 1999 by Congressman Gekas and referred to the Committee on Transportation and Infrastructure. It directs the Secretary of Transportation to establish a grant program to provide assistance to volunteer emergency response organizations.

States that have volunteer firefighter low interest loan assistance programs are eligible to participate. Currently, New York, Pennsylvania, Mississippi, New Jersey, and Kentucky qualify. Each qualifying state would receive an apportionment of federal funds from the Department of Transportation based on population. This money would be distributed by the state to assist volunteer fire

companies in repaying loans incurred either before or after passage of the bill. These loan programs provide money for these organizations to acquire, rehabilitate, or improve facilities and equipment necessary to provide emergency response services.

The amount of the grant to an emergency response organization is limited to the total of funds received from non-governmental sources plus the matching funds received from local government. Any grant cannot exceed \$15,000 in a fiscal year.

In order to be eligible for a grant the volunteer fire company must submit an application to the State agency administering the loan program and must demonstrate a legitimate financial need.

The bill provides \$11 million for each of Fiscal Years 2001 and 2002.

H.R. 4128

On March 29, 2000, Congressman Nick Smith introduced H.R. 4128, a bill to authorize appropriations for assistance to state and local emergency responders. The bill was referred to the Transportation and Infrastructure Committee and, in addition, to the Committees on Agriculture, Banking and Financial Services, Commerce, and Resources.

The bill authorizes the following for fiscal years 2001 and 2002:

- Loan guarantees for low-interest loans (up to \$200,000 per loan) for volunteer fire and rescue services through FEMA. The loans could be used to purchase equipment and clothing, repair existing facilities, carry out fire prevention education, enforce fire codes, and for developing or improving safety programs. \$35 million is authorized for each fiscal year;
- Making fire fighting facilities and equipment eligible under the Community Development Block Grant Program (CDBG). Currently, there are certain limitations on how CDBG funds can be applied. This provision would give local jurisdictions the flexibility to use CDBG funds for public safety in any

- area of the jurisdiction;
- Allocates certain electromagnetic spectrum for use by public safety services for communications;
- Authorizes \$19 million to the Department of Interior for the U.S. Geological Survey for system improvements, operations, and maintenance of the Hazard Support System to aid state and local fire authorities in real-time fire detection;
- \$10 million for the USDA's Volunteer Fire Assistance Program, funded last year at \$3.25 million;
- \$20 million for FY2000 and FY 2001 to the Department of Justice to make grants through its counterterrorism program directly to local fire and emergency management services for equipment;
- \$10 million in competitive grants for burn research through FEMA. Hospitals, safety organizations with a history of burn research, and government and non-government agencies responsible for burn prevention, research or treatment would be eligible; and
- \$80 million for 50/50 cost sharing grants to fire and emergency personnel for assistance acquiring safety equipment, firefighting and communications equipment, funds for training, assistance funding fire prevention programs, wellness and fitness programs, and assistance integrating computer technology.

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FY 2000 EMERGENCY SUPPLEMENTAL APPROPRIATION

As part of the FY 2000 Emergency Supplemental Appropriation (H.R. 3908), the House on March 30, 2000, by a vote of 386 yeas and 28 nays, adopted an amendment offered by Congressman Curt Weldon to provide funds for burn research and grants to fire departments. Under the amendment: (1) an additional \$10 million would go to the Department of Agriculture for grants to rural volunteer fire departments; (2) \$10 million to FEMA to establish a grant program for burn research and burn safety programs; and (3) \$80 million to FEMA to establish a grant program for volunteer, paid, and combined fire departments, which may be used for the following:

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- to purchase firefighting equipment for monitoring, communications and personal protection;
- to establish wellness and fitness programs for firefighters;
- to certify promote professional development of fire code enforcement personnel.
- to enforce fire codes;
- to integrate computer technology to improve records management and training capabilities;
- training in firefighting, emergency response, arson prevention and detection;
- to fund fire prevention programs and to educate the public about arson prevention and detection, and juvenile fire setter intervention; and
- to renovate fire stations and other facilities for the protection of health and safety of firefighters.

ADMINISTRATION PROPOSAL

The Administration, in its FY 2001 budget submission, proposed that FEMA establish a pilot demonstration grant program to provide equipment to improve the health and safety of firefighters in needy and rural communities. The program would be funded at \$25 million.

Grants would go for the basic equipment needs of firefighters and would cover rural, suburban, metropolitan, and urban areas.

WITNESSES

PANEL I: MEMBERS OF CONGRESS

[Representative Bill Pascrell, Jr.](#)

Representative Curt Weldon

Representative George Gekas
[Representative Nick Smith](#)
[Representative Steny H. Hoyer](#)
[Senator Mike DeWine](#)
[Senator Christopher Dodd](#)

PANEL II: AGENCY OFFICIALS

[Mr. Kenneth O. Burris](#)
Chief Operating Officer
U.S. Fire Administration
Federal Emergency Management Agency

[Mr. Robert A. McGuire](#)
Deputy Associate Administrator
Hazardous Materials Safety
Research and Special Programs Administration
Department of Transportation

PANEL III: FIRE SERVICE ORGANIZATIONS

[Chief Luther Fincher](#)
International Association of Fire Chiefs

[Chief William Jenaway](#)
King of Prussia Volunteer Fire Company
King of Prussia, Pennsylvania

[Mr. E. James Monihan](#)
National Volunteer Fire Council

[Mr. Fred Nesbitt](#)
Director of Governmental Affairs and Political Action
International Association of Fire Fighters

[Ms. Noreen Lucey](#)
Worcester, MA

Mr. Frank Raffa

President

Worcester Firefighters Union, Local 1009

Worcester, MA

Testimony of Rep. Bill Pascrell, Jr.

Subcommittee on Oversight Investigations, and Emergency Management

H.R. 1168

The Firefighter Investment and Response Enhancement Act

April 12, 2000

Thank you Chairwoman Fowler, and good afternoon to my colleagues.

Before I begin my testimony, I would like to take a minute to publicly thank the Chairwoman for her work over the past days and weeks. She has accommodated requests I have made, and requests of other Members of Congress, regarding all aspects of today's hearing.

This day is very important to a great number of people. And I thank my colleague from Florida for her patience and for the bipartisan way in which she has brought us all here this afternoon.

I also want to thank Chairman Shuster for his work in making this hearing possible, and Ranking Members Oberstar and Traficant for their strong, unwavering support.

Much has gone into getting us to this day. Many individuals have worked tirelessly to build support for the proposal I am

presenting to you here – H.R. 1168 --- known as the "FIRE Bill." I am extremely grateful for --- and proud of --- the support we have received.

Let me be very clear from the outset. This is not a small initiative. It is the first of its kind. And it does nothing short of change the way in which we view public safety in this country.

That was the intention. That is what it stands for. And that is --- in fact---what it has already done – and will continue to do when it is enacted into law.

The FIRE Bill says that it is time the Congress of the United States make a real commitment to those who make the ultimate commitment to us every single day.

That it is time we stopped paying lip service to our firefighters on the weekends --- without putting our money where our mouth is during the week.

Firefighters are our nation's "first responders" – and very often they are the last to leave. Yet the federal government has thus far shown very little commitment to them – and to the communities they serve.

The fire services have been the "forgotten part of the public safety equation. That ends with this legislation.

The Congress spends billions and billions on law enforcement in our communities. And we all support that critically needed investment. It has helped to foster crime reduction year after

year.

Yet we spend annually only \$40 million roughly on the Fire Administration. That disparity is simply wrong. It is as outdated as much of the equipment our firefighters are using to protect our lives and neighborhoods.

The bill – as you know – provides grants for hiring personnel, purchasing needed new and modernized equipment, fire prevention and education programs, wellness programs for our firefighters, modifying outdated fire stations, and more. These grants will go to paid departments as well as part-paid and volunteer – and EMT's as well.

There is no selective assistance in this bill – all 31,000 plus departments are recognized and included.

And it sends the dollars directly to the departments through competitive grants. Not siphoned off at the state level, but directly to our communities that need the assistance now.

The bill has a tremendous amount of support. A majority of the House of Representatives supports this bill. 263 co-sponsors as of this morning – including 5 out of the 7 members of this subcommittee.

We have a companion bill in the United States Senate introduced by Senators DeWine and Dodd that is picking up support every day.

We have the strong support, as you will hear, of the seven major fire service organizations in this country. And we have the National Safe Kids Coalition's strong endorsement and grass-roots support.

Much has been made by opponents of this measure of the Administration's lack of public support. That argument can no longer be made. Last month, OMB Director Jack Lew told the International Association of Firefighters -- and I will submit his comments for the record -- "We look forward to working with you to secure passage of this important legislation."

The support is bipartisan. And it should be, because firefighters don't go into a burning building and ask the inhabitants whether they are Democrats or Republicans.

This is not a political issue.

Perhaps most important to me, however, is the support of real firefighters. I have heard from literally thousands of them -- and so have you.

Many of them are here today -- like Chief Lou Imperato of Passaic, New Jersey, who is down 37 firefighters from where his department should be. He helped write this bill with his colleagues on my Public Safety Advisory Committee.

Also here today are honorable firefighters from Worcester, Massachusetts, who tragically lost 6 of their own not long ago.

Others are also here. They are in this hearing room and on

Capitol Hill --- and they have made this bill their cause.

We should listen very carefully to what they have to say.

I have been listening to them since I was the Mayor of New Jersey's third largest City – Paterson. When you are the Mayor, you get a lot of calls --- and I was crazy enough to have a listed phone number!!

Some calls you greatly enjoy. And others you dread with every ounce of being you have. I got one such call in February 1991, and I want to share it with you because it says a lot about why I am here today.

Fire had engulfed an entire downtown block in Paterson. It was cold day but the fire lasted for a day and a half. The initial company responded to the 1st alarm at 7:30 a.m. The firemen advanced to the basement and tried to find the source of the blaze.

The smoke was too dense - the men hung onto the rope for safety and withdrew by command. The heat and smoke were overwhelming and the men withdrew as the fire began to rage. All withdrew except John Nicosia, a young, married brave firefighter.

John became disoriented and was trapped in the basement. We lost him that day. It took 2 days to find him.

My colleagues --- I will never forget the feeling I had after

losing that brave fireman. I have thought of his family often during this effort -- and it keeps me going to get this Congress to do what is right.

I know there are questions about this bill – such as how do we pay for it, or why this function should not continue to be left to the local governments. They are legitimate questions, and I look forward to trying to answer them to the committee's satisfaction.

But let me say a few words about the need for this bill – because that may help us find the motivation to develop answers to those questions together.

A Fire department in this country responds to a fire every 18 seconds. And there is a civilian fire death every two hours.

A recent survey I did in my district found that 75% of departments are understaffed – some terribly understaffed by as many as 40 folks in the bigger cities.

Our state's second largest city – Jersey City – has seen its fire personnel be reduced by 200 in just the last decade.

And many departments --- in cities and suburbs alike --- simply cannot afford even the most basic equipment upgrade because of funding shortfalls.

This is happening throughout the country. And firefighting has taken on many new faces in the past 25 years -- with domestic terrorism response, hazardous material spills and other challenges now front and center – as we will hear later today.

Our local taxpayers simply cannot afford to shoulder this burden alone anymore.

There are only so many bake-sales you can hold. That won't pay the bill for new firefighters, or new radio equipment for your volunteers.

We don't ask communities to go it alone for their law enforcement needs, and we shouldn't do it for their fire safety needs either.

My colleagues, I have town Resolutions from communities as far away as Hawaii in this binder next to me that say the same thing --- that support this bill and are asking for our help.

We should pass the FIRE Bill now and demonstrate that the Congress is fully committed to fire safety in America. Our firefighters – and the communities we represent here – deserve nothing less.

I thank the Committee for this opportunity.

OPENING STATEMENT

by

Nick Smith of Michigan

Testimony before the

House Transportation Subcommittee on Oversight, Investigation

and Emergency Management

April 12, 2000

Madam Chairwoman, Ranking Member Traficant, I thank you for the opportunity to address your Committee today and discuss H.R. 4146, the "Helping Emergency Responders Operate" Act – or the "H.E.R.O Act"— my bill to provide needed assistance to our Nation's first responders. As we've already heard today, this Nation is well-served by the 1.2 million men and women who work as fire and emergency services personnel in over 32,000 fire departments across this country. They play a crucial role protecting and preserving our lives and our property...a dangerous role – an average of nearly 100 firefighters a year lose their lives in the line of duty. 80 percent of those who serve do so as volunteers.

Cynicism has infected corners of our country, and too many now consider duty and honor relics of a past age. But I think our Nation's first responders embody the beliefs of the founders of our country, who were deeply committed to the idea that the individual has an obligation to the community, that our country needs its domestic defenders, our first responders, as much as it needs a national defense. To that end, I'm glad we're here today examining some of the appropriate ways the federal government can help provide some needed assistance.

The HERO Act, for which I'm happy to have bipartisan support, combines eight distinct initiatives into one comprehensive two-year authorization aimed at assisting paid and volunteer fire departments at a level that's fiscally sustainable.

Three of the sections of the bill provide authorizations for initiatives that were overwhelmingly supported by the House as an amendment to the Emergency Supplemental request two weeks ago. More importantly, this bill embodies the framework for federal fire assistance set out in the FY 2001 Budget Resolution.

Let me begin by describing how H.R. 4146 assists the over 800,000 men and women who protect our lives and communities as volunteers.

The bill recognizes the contributions of volunteer firefighters by authorizing 10 million for FY 2001 and 2002 through USDA's Volunteer Fire Assistance Program. This program allows the nearly 28,000 rural fire departments nationwide to apply for cost-share grants for training, equipping and organizing their personnel. These rural fire departments represent the first line of defense for rural areas coping with fires and other emergencies.

The bill also authorizes a loan guarantee program for low-interest loans to volunteer fire and rescue services. This program, to be run by the Federal Emergency Management Agency, provides loans of up to \$200,000 to departments to purchase equipment, repair facilities, carry out arson and fire prevention programs, and enhance safety programs for firefighters and rescue personnel. To provide the seed money for this loan program and to cover administrative costs, the bill authorizes \$35 million a year for FY 2001 and FY2002.

This bill also authorizes two grant programs at the FEMA. The first is an \$80 million competitive grant program for volunteer and paid fire and emergency services departments. With these 50/50 matching grants, departments can get assistance acquiring safety equipment, firefighting and communications equipment, funds for training, and assistance funding fire prevention programs.

In addition, the HERO Act establishes a \$10 million burn research grant program through FEMA. Under this program, safety organizations, hospitals, and governmental and non-governmental entities that are responsible for burn research, prevention, or treatment are eligible for competitive grants to continue their important work.

Both of these initiatives received overwhelming bipartisan support as part of an amendment to the Emergency Supplemental request.

Recognizing that increasingly our fire and rescue services are the first responders to terrorist actions, the HERO Act also authorizes FEMA \$20 million to establish a grant program to assist in counterterrorism training. With grants from this program, paid and volunteer fire departments, ambulance services, hazardous materials units, and rescue squads will be able to purchase equipment that will help them respond to these threats.

The Act also directs the Federal Communications Commission to reallocate certain radio frequencies for use by public safety services, to enable them to communicate more effectively in the event of a large-scale emergency, similar to the Oklahoma City Bombing. In that situation, emergency services personnel ran out of available frequencies and communication was hindered. This additional frequency will help alleviate the congestion during times of crisis.

In addition, the Act authorizes \$15 million for system improvements to the Hazard Support System at the United States Geological Survey. This system uses the USGS' vast system of sensors and monitors to provide real-time detection of wildland fires or other natural disasters and share that information with appropriate emergency services. The Act also authorizes \$4 million for the continued operation and maintenance of the system, and requires a study of the best methods for disseminating data to State and local fire services for real-time fire detection.

The final section in the bill corrects a situation that makes certain emergency services departments ineligible for Community Development Block Grant funds despite the fact that they service low-income communities. These departments, because they are not physically located within the low-income area they service, are prohibited from receiving these important funds. The HERO Act corrects this problem by allowing departments that protect low-income communities to apply for the CDBG funds.

We see our firefighters and EMS personnel responding to emergencies every day, more than 18 million calls a year. From car accidents, to brush fires, to large scale disasters like the tornadoes that ripped through Ft. Worth two weeks ago, emergency responders are first on scene, first to react, first to provide the assistance we've come to take for granted.

Madam Chairwoman, the HERO Act demonstrates the firm commitment this

House has towards these emergency first-responders, to those who literally put their lives on the line each day. I'm thankful for the bipartisan support this bill enjoys, and I'd like to thank Ms. Johnson of Texas, Mr. Weldon of Florida, Mr. Bishop of Georgia, Mr. Boehlert of New York, Mr. Andrews of New Jersey, Mr. Ehlers of Michigan, Mr. Sherwood of Pennsylvania, Mr. Larson of Connecticut, Mr. Barcia of Michigan, and Mr. Upton of Michigan, who have helped bring it this far. Thank you.

STATEMENT OF CONGRESSMAN STENY H. HOYER

**BEFORE THE SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS
AND EMERGENCY MANAGEMENT**

APRIL 12, 2000

CHAIRWOMAN FOWLER, RANKING MEMBER TRAFICANT, AND THE OTHER MEMBERS OF THE COMMITTEE, I WANT TO THANK YOU FOR ALLOWING ME TO TESTIFY THIS AFTERNOON.

ON THE AGENDA ARE TWO BILLS THAT DIRECTLY BENEFIT THE FIRE SERVICE. THE FIRST OF THESE IS HR 1168 OR THE "FIRE ACT" OFFERED BY MY GOOD FRIEND FROM NEW JERSEY CONGRESSMAN PASCRELL.

THE OTHER IS HR 3155 OFFERED BY MR. GEKAS, A DISTINGUISHED MEMBER OF THIS COMMITTEE. AS BOTH THE SPONSORS ARE HERE THIS AFTERNOON, I THINK IT MORE APPROPRIATE IF THEY DISCUSS THE ATTRIBUTES OF THEIR LEGISLATION.

INSTEAD, I WOULD LIKE TO SPEND MY TIME DISCUSSING MORE GENERICALLY THE NEED FOR A GREATER FEDERAL COMMITMENT TO THE FIRE SERVICE.

LAST WEEK ON THE SUPPLEMENTAL APPROPRIATIONS BILL, THE HOUSE PASSED BY AN OVERWHELMING VOTE OF 386-28 THE WELDON/ HOYER/PASCRELL/SMITH AMENDMENT.

THIS AMENDMENT WOULD PROVIDE \$100 MILLION TO THE FIRE SERVICE. IT WAS A MAJOR VICTORY FOR OUR FIRST RESPONDERS NOT ONLY IN TERMS OF RESOURCES BUT FOR THE RECOGNITION THAT THERE NEEDS TO BE A LARGER FEDERAL COMMITMENT. A COMMITMENT ON THE ORDER OF CONGRESSMAN PASCRELL'S FIRE ACT.

AS THE OTHER MEMBERS TESTIFYING HERE TODAY AND THE FIRE

GROUPS WILL ATTEST TO, PROPER FIRE PROTECTION DOES NOT COME WITHOUT A SIGNIFICANT INVESTMENT.

I WANT YOU TO CONSIDER THE COST OF SOME OF THE ITEMS THAT MUNICIPALITIES AND FIRE COMPANIES HAVE TO COVER:

- LADDER TRUCK- \$750,000
- ENGINE/PUMPER-\$300,000
- AMBULANCE- \$115,000
- THERMAL IMAGING EQUIPMENT- \$20,000
- FULL TURNOUT GEAR FOR A FIRE FIGHTER- \$1500
- BREATHING APPARATUS- \$3000

DEPENDING ON THE NATURE OF THE COMMUNITY, THEY ALSO HAVE THEIR OWN SPECIFIC CHALLENGES. FOR EXAMPLE IN MY DISTRICT THAT ABUTS THE CHESAPEAKE BAY SOME OF THE DEPARTMENTS HAVE BOATS FOR WATER RESCUE. MANY URBAN DEPARTMENTS HAVE CHEM-BIO EQUIPMENT AND RURAL DEPARTMENTS OUT WEST HAVE A COMPLETELY SEPARATE SET OF GEAR FOR WILDLAND FIREFIGHTING.

THESE COSTS, WHILE SIGNIFICANT, TELL ONLY HALF THE STORY. CONSIDER THE COSTS WHEN YOU FACTOR IN OPERATING EXPENSES AND TRAINING.

NATIONWIDE THERE ARE 32,000 FIRE COMPANIES WHO GET VARYING LEVELS OF SUPPORT FROM THE MUNICIPALITIES THAT THEY SERVE. SOME AREAS ARE GOOD ABOUT GIVING FIRST RESPONDERS WHO PUT THEIR LIVES ON THE LINE THE RESOURCES THEY NEED TO SAFELY AND EFFECTIVELY DO THEIR JOBS.

FOR A VARIETY OF REASONS, MANY COMMUNITIES ARE SIMPLY NOT MEETING THE NEEDS OF THEIR FIRST RESPONDERS.

REGRETTABLY, WE LOSE ALMOST 100 FIREFIGHTERS EVERY YEAR IN THE LINE OF DUTY. AND, THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ESTIMATES THAT ROUGHLY ONE-THIRD OF 230,000

PAID FIRE FIGHTERS ARE INJURED EVERY YEAR IN THE LINE OF DUTY.

MADAME CHAIRWOMAN, FIRE FIGHTING IS A DANGEROUS BUSINESS. A BUSINESS THAT OFTEN CLAIMS THE BODIES AND LIVES OF THE MEN AND WOMEN OF THE FIRE SERVICE.

NO AMOUNT OF MONEY WILL EVER CHANGE THE INHERENT DANGER OF FIGHTING FIRES. BUT, WITH THE PROPER TRAINING AND TOOLS FIRE FIGHTING CAN BE MADE SAFER. IN THE LAST 10 YEARS ALONE FIRE FIGHTER FATALITIES ARE DOWN 35%. CIVILIAN DEATHS, NOW RUNNING ABOUT 4000 A YEAR, HAVE ALSO CONTINUED TO DECLINE FOR THE PAST 20 YEARS.

WITH ADDED RESOURCES I AM CONFIDENT THAT WE CAN CONTINUE TO BRING BOTH THESE FIGURES DOWN. BUT, THESE RESOURCES ARE NOT GOING TO COME FROM BAKE SALES, CHICKEN DINNERS AND RAFFLES. BOTH THE BILLS THAT THE COMMITTEE IS CONSIDERING TODAY WILL HELP TO ACHIEVE THIS GOAL.

I LOOK FORWARD TO WORKING WITH THE MEMBERS OF THE SUBCOMMITTEE IN ADDRESSING THIS CRITICAL ISSUE AND WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

TESTIMONY – FIRE BILL

HOUSE SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND
EMERGENCY MANAGEMENT

SENATOR MIKE DEWINE

APRIL 12, 2000

Thank you Madam Chairwoman [Tillie Fowler] and Ranking Member Traficant for holding this important hearing today to discuss the need for adequate resources for America's firefighters. I am pleased to be testifying alongside my friends and colleagues, Senator Dodd from Connecticut and Congressman Pascrell from New Jersey, who have been the key advocates on the issue of fire safety. I am also pleased that firefighters will be testifying today, as they will give us the most valuable perspective on the need for fire prevention education and safety training.

Overall, fire is responsible for killing more Americans than all natural disasters combined! And sadly, many of those who die each year in fires are children. In 1996, for example, nearly 800 children ages 14 and under died in residential fires. More than 60 percent of these children were ages 4 and under. In addition, each year, fires in the home injure nearly 47,000 children ages 14 and under.

Despite these tragic statistics, the federal government has not made funding for firefighting a high enough priority. Last year, the federal government spent just \$32 million on fire prevention and training for the Fire Services Administration. While there are other sources of federal funding, the total amount of federal dollars for firefighting pales in comparison to what Washington spends annually on law enforcement initiatives.

To address the clear inequity between these two vital public safety entities, Senator Dodd and I introduced the Firefighter Investment and Response Enhancement Act (or FIRE bill), while Congressman Pascrell has introduced a similar measure in the House. While additional bills have been introduced in both the House and Senate to address the federal funding gap, I believe that our Firefighter Investment bill offers our fire departments the most flexibility to fund their local communities' needs.

Our FIRE bill is simple. It would authorize \$5 (five) billion over the next five years in grants to local fire departments. Ten percent of this investment would be used for effective fire prevention programs. Any fire department is eligible for these grants. In addition to prevention programs, the grants can be used for training, equipment, or the hiring of more firefighters.

We need to remember that our number one priority should be stopping fires before they ever happen. Effective education efforts are the first steps in fire prevention. That's why our Senate version of the bill has a specific provision requiring that at least \$500 million go toward fire prevention programs.

I am going to work very hard to see to it that the Senate passes our Firefighter Investment legislation. It is vital that we do everything possible to see to it that the federal government increases its commitment to the men and women who make up our local fire departments. Thank you again for holding this important hearing and for allowing me to testify.

Statement of Senator Christopher J. Dodd

Before

The House Transportation and Infrastructure Committee

Subcommittee on Oversight, Investigations & Emergency Management

CHAIRMAN FOWLER, CONGRESSMAN TRAFICANT, THANK YOU FOR HOLDING THIS HEARING ON THIS CRITICALLY IMPORTANT ISSUE. I AM PLEASED TO BE JOINED BY SENATOR DEWINE AND CONGRESSMEN BILL PASCRELL, CURT WELDON, STENY HOYER, GEORGE GEKAS, AND NICK SMITH.

BENJAMIN FRANKLIN IS SAID TO HAVE ESTABLISHED THE FIRST ORGANIZED FIRE DEPARTMENT IN AMERICA. HE FORMED A DEPARTMENT IN PHILADELPHIA SOMETIME IN THE LATE 1730s, MORE THAN FORTY YEARS BEFORE HE HELPED ESTABLISH THE CONGRESS OF THE UNITED STATES. I DON'T KNOW IF THAT TELLS US ANYTHING ABOUT THE FOUNDING FATHER'S PRIORITIES, BUT I DO THINK THAT IT REVEALS THAT FRANKLIN UNDERSTOOD THAT FIREFIGHTING WAS AN IMPORTANT MATTER. HE KNEW THAT HAVING THE RIGHT EQUIPMENT AND THE RIGHT TRAINING COULD MAKE A DIFFERENCE.

AND, AS HIS WRITINGS INDICATE, HE ALSO KNEW THAT A "LITTLE NEGLECT CAN BREED GREAT MISCHIEF."

WE CANNOT AFFORD TO IGNORE THE PROBLEMS THAT FACE LOCAL FIRE DEPARTMENTS TODAY. AND I AM DELIGHTED TO BE HERE TO TESTIFY ABOUT THE NEED FOR THE FEDERAL GOVERNMENT TO BECOME A MORE EFFECTIVE PARTNER WITH LOCAL FIREFIGHTERS.

BEFORE I TURN TO THE FIRE ACT, I'D LIKE TO JUST COMMENT ON THE WIDE RANGE OF FIRE-RELATED LEGISLATION NOW BEFORE CONGRESS. I'VE BEEN PLEASED TO SEE A FLURRY OF LEGISLATIVE ACTIVITY IN THE LAST FEW WEEKS.

THE HOUSE RECENTLY PASSED AN APPROPRIATIONS MEASURE – OFFERED BY CONGRESSMAN WELDON AND CONGRESSMAN HOYER – THAT WOULD MAKE A HUNDRED MILLION DOLLARS AVAILABLE TO LOCAL FIRE DEPARTMENTS THIS YEAR. I HAVE SUPPORTED THAT EFFORT. IN FACT, SENATOR DEWINE, SENATOR SARBANES, AND I HAVE ASKED THE SENATE APPROPRIATIONS COMMITTEE TO INCLUDE A SIMILAR PROVISION IN ANY EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL SENT TO THE FULL SENATE FOR CONSIDERATION THIS YEAR.

UNFORTUNATELY, IT DOESN'T APPEAR LIKELY THAT AN APPROPRIATIONS BILL WILL BE BROUGHT TO THE SENATE FLOOR. THUS, THE HARD WORK OF PASSING SOUND, EFFECTIVE LEGISLATION TO PROTECT FIREFIGHTERS AND THE PUBLIC REMAINS TO BE DONE. OTHER RECENT EFFORTS SHOW THAT THERE IS A STRONG BIPARTISAN COMMITMENT TO ADDRESS THIS ISSUE.

WE'RE ON THE RIGHT TRACK. BUT LIKE WILL ROGERS SAID – "EVEN IF YOU ARE ON THE RIGHT TRACK, YOU'LL GET RUN OVER IF YOU JUST SIT THERE."

WE'VE FINALLY HEARD THE CALL FROM FIREFIGHTERS. BUT HEARING THE CALL IS NOT ENOUGH. WE MUST ANSWER THE CALL. IT IS TIME FOR US TO ESTABLISH A SOUND BASIS FOR BUILDING A SOLID WORKING RELATIONSHIP BETWEEN THE FEDERAL GOVERNMENT AND LOCAL FIREFIGHTERS – A RELATIONSHIP THAT RECOGNIZES THAT LOCAL OFFICIALS ARE IN THE BEST POSITION TO IDENTIFY AND ADDRESS LOCAL CONDITIONS – BUT A RELATIONSHIP THAT ALSO RECOGNIZES THAT ALL AMERICANS, WHEREVER THEY MAY LIVE, DESERVE A RELIABLE EMERGENCY RESPONSE SYSTEM.

FIREFIGHTING, HAZARDOUS MATERIALS CONTAINMENT, TRANSPORTATION ACCIDENT RESPONSE – THESE ARE NOT SIMPLY LOCAL ISSUES ANYMORE.

WHEN TERRORISM STRIKES – AS IT HAS IN NEW YORK AND OKLAHOMA – IT'S NOT THE FBI OR THE ATF THAT ARRIVES ON THE SCENE FIRST – IT'S LOCAL FIREFIGHTERS AND LOCAL EMERGENCY

MEDICAL TECHNICIANS.

BACK IN NOVEMBER, SENATOR DEWINE AND I INTRODUCED THE SENATE VERSION OF THE FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT ACT, KNOWN AS THE "FIRE" BILL. WE DID SO BECAUSE WE RECOGNIZED THAT LOCAL COMMUNITIES AND THEIR FIREFIGHTERS ARE STRUGGLING TO MAKE ENDS MEET. THE BILL WOULD AUTHORIZE FEMA TO MAKE GRANTS TO LOCAL FIRE DEPARTMENTS TO BUY MUCH-NEED EQUIPMENT AND TO HIRE NEW FIREFIGHTERS TO ELIMINATE DANGEROUS UNDER STAFFING. THE BILL IS MODELED IN PART ON THE VERY SUCCESSFUL "COPS" PROGRAM, WHICH HAS HELPED TOWNS AND CITIES HIRE TENS OF THOUSANDS OF POLICE OFFICERS. THE SENATE VERSION OF THE FIRE BILL WOULD ALSO AUTHORIZE GRANTS FOR FIRE PREVENTION AND FIRE-SAFETY EDUCATION TO HELP PROTECT CHILDREN.

AT ITS CORE, THE FIRE BILL RECOGNIZES THAT FIREFIGHTERS CAN'T DO THEIR JOBS SAFELY IF THEY DON'T HAVE THE MEN AND EQUIPMENT THEY NEED. MADAME CHAIRMAN, WE DON'T ASK MEMBERS OF OUR ARMED FORCES TO GO INTO BATTLE WITHOUT THE RIGHT EQUIPMENT AND WE SHOULDN'T ASK FIREFIGHTERS TO BATTLE FIRES WITHOUT THE PROPER TOOLS.

EVERY DAY A MILLION FIREFIGHTERS PUT THEIR LIVES ON THE LINE TO PROTECT US. AND ABOUT EVERY THREE DAYS A FIREFIGHTER DIES IN THE LINE OF DUTY.

EVERY YEAR, MORE THAN A HUNDRED FAMILIES LOSE A HEROIC HUSBAND OR WIFE, A BRAVE FATHER OR MOTHER, AN EXTRAORDINARY ROLE MODEL – A FIREFIGHTER THEY CALLED FAMILY. THIS IS THE TERRIBLE PRICE THAT TOO MANY FIREFIGHTERS AND THEIR FAMILIES PAY TO KEEP THE REST OF US SAFE.

OTHER FIREFIGHTERS SUFFER NEEDLESS INJURIES. IN 1998, FORTY-FOUR THOUSAND FIREFIGHTERS WERE INJURED ON THE JOB – MANY BECAUSE THEY DIDN'T HAVE THE RIGHT EQUIPMENT.

THE FIRE BILL AUTHORIZES THE FEDERAL GOVERNMENT TO PROVIDE UP TO A BILLION DOLLARS PER YEAR TO SUPPORT LOCAL DEPARTMENTS. LOCAL FIRE DEPARTMENTS WILL WRITE PROPOSALS TO ADDRESS LOCAL NEEDS. FEMA, WILL EVALUATE EACH PROPOSAL AND WILL PROVIDE FUNDING TO MEET THOSE LOCAL NEEDS.

A BILLION DOLLARS SOUNDS LIKE A LOT OF MONEY. BUT WHEN YOU START SPREADING IT ACROSS THE ENTIRE COUNTRY, IT DOESN'T GO AS FAR AS YOU WOULD HOPE. THERE ARE ABOUT 31,000 LOCAL FIRE DEPARTMENTS IN THE COUNTRY. IF EVERY DEPARTMENT SUBMITTED AN APPLICATION AND EVERY APPLICATION WAS FUNDED, THE AVERAGE GRANT WOULD ONLY BE \$32,000. NOW, \$32,000 CERTAINLY HELPS, BUT IT DOESN'T MEET THE ENTIRE NEED.

LET ME CONCLUDE WITH ONE LAST THOUGHT –

- WE LOSE ALMOST NINE BILLION DOLLARS ANNUALLY BECAUSE OF FIRE-RELATED PROPERTY DAMAGE.
- AND WORSE, MORE THAN 4,000 AMERICANS DIE IN FIRES EVERY YEAR – OUR FIRE DEATH RATE IS THE SECOND HIGHEST THE DEVELOPED WORLD.
- SIX HUNDRED AND SIXTY AMERICAN CHILDREN DIE IN FIRES EVERY YEAR.

ALL OF THESE STATISTICS ARE PARTICULARLY TRAGIC BECAUSE THE U.S. LEADS THE WORLD IN DEVELOPING TECHNOLOGIES THAT COULD REDUCE THE LOSES. THERE IS A WIDENING GAP BETWEEN WHAT WE ARE TECHNICALLY CAPABLE OF DOING AND WHAT OUR LOCAL FIREFIGHTERS CAN AFFORD TO DO.

BUSINESSES ARE LOSING PROPERTY AND PEOPLE ARE DYING NOT BECAUSE WE DON'T KNOW HOW TO REDUCE THE LOSES, BUT BECAUSE LOCAL JURISDICTIONS HAVE HAD THEIR RESOURCES STRETCHED TO THE LIMITS.

WE CAN'T ELIMINATE ALL OF THE DANGERS THAT CONFRONT FIREFIGHTERS OR THE PUBLIC, BUT WE CAN HELP ENSURE THAT

FIREFIGHTER HAVE UP-TO-DATE, SAFE, AND RELIABLE EQUIPMENT.
WE HAVE AN OBLIGATION TO DO SO.

MADAME CHAIRMAN, CONGRESSMAN TRAFICANT, THANK YOU.

TESTIMONY OF KENNETH O. BURRIS

CHIEF OPERATING OFFICER

UNITED STATES FIRE ADMINISTRATION

BEFORE THE

HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS
AND EMERGENCY MANAGEMENT

APRIL 12, 2000

Good afternoon Madam Chairman and Members of the Subcommittee. My name is Ken Burris, and I am the Chief Operating Officer of the United States Fire Administration (USFA). I appreciate the opportunity to appear before you today on behalf of the Director of the Federal Emergency Management Agency (FEMA), James Lee Witt. This hearing provides FEMA an opportunity to voice strong support for the nation's fire service and its essential role in protecting our communities from all hazards. I thank the Congress as a whole and the Committee

in particular for bringing this level of attention to a very important issue.

The close of 1999 brought with it the deaths of six firefighters in Worcester, Massachusetts, three firefighters in Keokuk, Iowa, and seven individual incidents in which firefighters lost their lives for a total of 16 firefighter line of duty deaths in the month of December alone. This tragic month ended a year that saw 100 firefighters killed in the line of duty. This is the most devastating loss of firefighter lives since 1995. The decade of the 1990's saw 956 firefighters die in the line of duty. And since the creation of the National Fallen Firefighter Memorial in 1981, over 2000 firefighters have died in the line of duty.

While technology and operational advancements continue to enhance the safety of firefighters, the sheer number of on-duty related injuries remain staggering. Every year, an average of 90,000 firefighters are injured on the job. More than half of those injuries occur on the fireground.

As Chief Operating Officer of the United States Fire Administration, the most solemn duty is the preparation of letters of condolence for the families of those who have made the supreme sacrifice. There is seldom a day that I walk by the Fallen Firefighter Memorial that the flags are at full staff and when they are I take notice and give thanks for a wonderful day. A day that our Nation did not lose one of its bravest.

As we debate the programs and initiatives of varying funding levels for assistance to our Nation's firefighters, in reality we are drawn into the often-time difficult process of making value judgements. This process is made even more difficult when it is a determining factor in the health and safety of an individual. As a fire ground command officer and a fire chief, I have a keen appreciation for a value driven decision-making process.

Right now, this very minute, there are firefighters desperately involved in that process of making life and death decisions. To risk a firefighter's life to save another or to risk a firefighter's life to save another's property, these are decisions being made right now without the benefit of debate. Firefighters, right now, are battling a blaze, effecting a rescue or dealing with a hazardous chemical and are basing their actions on the performance quality of their personal protective equipment. Fire Officers are there with them making tactical decisions based upon the performance quality of not only the protective envelope of a firefighter but the

equipment and technology provided by the community to mitigate those incidents.

H.R. 1168 and S. 1941 (The Firefighter Investment and Response Enhancement Act), the Amendment to Fiscal Year 2000 Emergency Supplemental Appropriations Act

(H.R. 3908), and the proposed \$25 million grants program in FEMA's Fiscal Year 2001 budget submission all take aim at the very heart of the firefighter health and safety issue. The \$25 million proposed under FEMA's Firefighter Grant Program begins the process of addressing the core issues of firefighter health and safety by providing grants to local level fire departments that are distressed or that are protecting distressed communities. Eligible expenditures would provide for the purchase of firefighter personal protective clothing and equipment, firefighter health and wellness programs, infrastructure and apparatus improvements to enhance firefighter health and safety, training and staffing.

Firefighting continues to be one of the most dangerous professions. And now fire departments are being called on to provide an ever expanding and more complex array of services including hazardous materials, search and rescue, emergency medical, disaster response and counter-terrorism. At the same time, local governments and fire departments are encountering severe budget challenges. Two years ago, Director Witt convened a group of fire officials to make recommendations on how to improve the federal fire programs. This group, called the Blue Ribbon Panel, recommended to Director Witt that a federal grant/local matching program be created to enable fire and EMS departments to acquire training resources, new technology, specialized equipment and safety resources. We have consulted with members of the Blue Ribbon Panel, including the International Association of Fire Fighters, the National Volunteer Fire Council, and the International Association of Fire Chiefs, on the administration of the grants. Whether we are addressing the \$25 million in the budget request, the \$90 million in the supplemental, or the FIRE Act, we will continue to work with the organizations and benefit from their valuable advice and direction.

Although details of the grant process are largely dependent on the level of appropriated funding, it is our intention to direct and provide access to the grants program to career, volunteer and combination departments in rural, suburban, urban and metro areas. If enacted, the \$25 million included in FEMA's Fiscal Year 2001 budget request would allow us to begin reaching the fire departments serving

in low to moderate income communities. We could provide for the very basic firefighter health and safety equipment to protect these firefighters. We intend to use a peer review method to help decide who will receive the grants after receiving and reviewing all of the applications. This will help ensure the decisions are made equitably, and maintain low administrative costs. At this time, we are establishing broad objectives for the grants. The details of the administration will be specified through the regulatory comment process to allow for maximum input from individual fire departments, state fire marshal offices, the national fire organizations and others who may wish to provide input.

The \$90 million provided in the Emergency Supplemental and the funds included in the FIRE Act will help the United States Fire Administration to address many of the items included in P.L. 93-498, the Federal Fire Prevention and Control Act enacted by the Congress over 25 years ago. The findings made by the original Commission on America Burning and addressed by Congress, led to the creation of the U.S. Fire Administration. These findings included such issues as firefighter health and safety, the need for national fire data to help local fire services establish research and action priorities, the importance of fire safety in building design and products, improved firefighter training and education, the importance of properly equipping and staffing the burn treatment centers and rehabilitation for victims. At the federal level, we are addressing these same issues within the USFA's \$42.9 million budget for Fiscal Year 2000. The grants will enable us to attain more of these goals.

Having served in the fire service for 23 years, holding positions from firefighter to chief of the department and now as Chief Operating Officer of the U.S. Fire Administration, I consider it a privilege to relay to this Committee, on behalf of Director Witt, FEMA's support of both the amendment to the supplemental and the Fire Act. Each of these pieces of legislation allows FEMA to expand its support to America's fire services in different manners and to start carrying out the promise of the 1974 Act. I view each bill as providing methods of enhancement to FEMA's proposed firefighter health and safety program. And, we are comfortable with those enhancements because they build capability at the community and neighborhood level.

The amendment to H.R. 3908 that provided \$90 million makes it possible to expand the number of possible grant recipients under our current initiative. The additional funding may also make it possible to advance our proposed national

program to address firefighter health and safety beginning with the distribution of the *International Association of Fire Chiefs (IAFC) /International Association of Fire Fighters (IAFF) Fire Service Joint Labor-Management Wellness-Fitness Initiative* manual. This amendment also makes it possible for Director Witt to award \$10 million in grants to burn injury programs. Such programs serve to positively impact and reduce the trauma associated with burn injuries suffered by 5370 firefighters annually.

H. R. 1168 even further enhances the potential impact that FEMA can have in the area of firefighter health and safety by expanding the approved use of grants to allow a local fire department to address staffing levels.

There is no doubt in my mind that an increase in funding is essential in keeping a commitment to the American people made some twenty-five years ago with the enactment of the Fire Prevention and Control Act. That commitment is to reduce the unacceptable. The highest fire death and injury rate in the industrialized world. Regrettably, a commitment we have yet to fulfill.

Thank you, Madam Chairman. I would be happy to answer any questions you may have.

STATEMENT OF ROBERT MCGUIRE
ACTING ASSOCIATE ADMINISTRATOR
FOR HAZARDOUS MATERIALS SAFETY
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
BEFORE THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS,
AND EMERGENCY MANAGEMENT
U.S. HOUSE OF REPRESENTATIVES

APRIL 12, 2000

Good afternoon, Madam Chairman and members of the subcommittee. I am Robert McGuire, the Acting Associate Administrator for Hazardous Materials Safety in the Research and Special Programs Administration. I appreciate the opportunity to discuss with you the Department's ongoing efforts to improve the safe transportation of hazardous materials, and our efforts to support the nation's emergency responders.

The Office of Hazardous Materials Safety administers a comprehensive, nationwide safety program to protect the nation from the risks to life, health, property, and the environment in the transportation of hazardous materials.

The transportation of hazardous materials is a critical part of America's economy. They keep us warm in winter, fuel our cars and trucks, protect us from disease, and enable advanced medical procedures. More than 3 billion

tons of regulated hazardous materials are transported each year; amounting to over 800,000 daily shipments of hazardous materials. Our communities, the public, and workers engaged in hazardous materials commerce count on these shipments being safe.

For the most part, hazardous materials transportation has an excellent safety record. Over the past ten years (1990 - 1999), there have been an average of 22 deaths and 39 serious injuries per year due to hazardous materials in transportation and half of the fatalities were the result of the ValuJet tragedy in 1996. While every casualty is one too many, in the context of 800,000 daily shipments this is a remarkable record. Safety continues to be Secretary Slater's first priority, and it is our first priority for the hazardous materials transportation program. Because we take safety so seriously, the Department just completed a Departmentwide evaluation of its programs for the transportation of hazardous materials by air, rail, highway, and water, and is finding ways to improve strategic planning and coordination, program delivery, and critical data.

Our hazardous materials transportation safety program focuses on four principal areas. First, we have in place comprehensive standards for the safe transportation of hazardous materials. Second, we help shippers and carriers to understand our standards and know how to comply with them. Third, we identify those people who refuse or neglect to comply with safety requirements and stop their illegal activities. Finally, we assist the nation's response community in planning for and responding to hazardous materials emergencies.

Regulations Development

The Hazardous Materials Regulations - or HMR - are designed to achieve three goals:

- (1) To ensure that hazardous materials are packaged and handled safely during transportation;
- (2) To provide effective communication to transportation workers and emergency responders of the hazards of the materials being transported; and

(3) To minimize the consequences of an incident should one occur.

Our regulatory program is risk-based. We collect and analyze data on hazardous materials -- incidents, regulatory actions, and enforcement activity to determine the risks associated with the transportation of hazardous materials and the best ways to mitigate those risks. The HMR assign materials to specific hazard classes based on the risks they present during transportation. The HMR specify appropriate packaging and handling, requirements for hazardous materials, and require hazards to be communicated through shipping papers, package marking, and labeling, and vehicle placarding. The HMR also require shippers to provide emergency response information applicable to the specific hazardous materials being shipped. Finally, the HMR mandate training requirements for persons who prepare hazardous materials for shipment or who transport hazardous materials in commerce.

Developing rigorous safety standards that protect the public and workers engaged in hazardous materials commerce is an important first step. But standards cannot be effective if shippers and carriers do not understand them. Therefore, we invest significant resources to help shippers and carriers know regulatory requirements and how to comply with them. Our comprehensive hazardous materials web-site and our Hazardous Materials Information System allow easy access to vital hazardous materials data and information by industry, the public, DOT employees, hazardous materials workers, and federal and state agencies. We operate a toll-free hotline service every workday from 9:00 a.m. until 5:00 p.m., and handle over 130 calls per day. We hold training workshops, and we develop and provide industry and the public with many publications and training modules. We also provide formal classroom training for industry and emergency responders through RSPA's Transportation Safety Institute.

RSPA also conducts an extensive program to reach the hazardous materials community through training and customer service organizations. We currently are hiring six additional personnel for that technical assistance program. We work closely with state and local enforcement personnel through the Cooperative Hazardous Materials Enforcement Development

(COHMED) Program. That program works with state enforcement officials and the private sector to provide a cost-effective training vehicle focusing on a common-sense understanding of our regulations and how to comply with them.

Enforcement

Although training and public education are valuable tools for enhancing compliance, there will always be people who through ignorance or negligence, do not comply with our safety standards. Compliance enforcement activities are thus key to RSPA's efforts to reduce accidents that result from unsafe operations by companies or individuals who ship or transport hazardous materials or who manufacture or test hazardous materials containers and packagings. RSPA enforcement specialists at our headquarters and five regional offices conduct hundreds of inspections of hazardous materials shippers, carriers, and container manufacturers and retesters. Our sister modal administrations -- the Federal Aviation Administration, the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, and the U.S. Coast Guard -- also conduct modal inspections of carriers and shippers. To further leverage our resources, we conduct joint inspections with other federal agencies and the states.

Emergency Response

Despite our best efforts, accidents will occur. We have a responsibility to help reduce the consequences of transportation accidents involving hazardous materials. Thus, we play a major role in assisting the emergency response community to plan for and respond to hazardous materials transportation incidents. Every three years, RSPA and our partners in Canada and Mexico publish an updated version of the Emergency Response Guidebook. We developed the Guidebook for use by "first responders" -- i.e., those public safety personnel first dispatched to the scene of a hazardous materials transportation incident, such as firefighters, police, and emergency services personnel. It is a guide for initial actions to be taken in those critical first few minutes after an incident to protect first responders and the general public and to mitigate potential consequences. The Guidebook has been widely hailed as the single most valuable

reference for initial response to hazardous materials emergencies. We work with our partners in Canada and Mexico, and with the emergency response community and the hazardous materials industry, to assure its continuing accuracy and utility.

Of particular interest today, we operate a planning and training grants program to assist local responders at hazardous materials incidents. The possible consequences of a serious incident, even if unlikely, require that all communities prepare plans to respond to such emergencies and conduct training to ensure an effective response. The importance of planning and training cannot be overemphasized. To a great extent, we are a nation of small towns and rural communities served by volunteer fire departments. While there is growing awareness among small communities of the potential for hazardous materials incidents, most are only prepared to respond in the event of common threats – home fires, vehicle accidents, and the like. In many instances, communities' resources already are overextended in their efforts to meet current emergency response needs.

Our emergency preparedness grants program provides assistance to states, territories, and Indian tribes, and through them, to local communities. Planning grants are made for developing, improving, and implementing emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986. Such plans can include identification of hazardous materials flow patterns and evaluation of the need for regional hazardous materials emergency response teams.

Training grants are made to states, territories, and Indian tribes for training public sector employees to respond to accidents and incidents involving hazardous materials, and 75% of state grants are passed through to, or used to benefit, local communities. Since 1993, we have awarded over \$47 million to all of the states and territories and to 38 Indian tribes. Over 815,000 emergency responders and others have been trained, in part, using these grant funds. Nevertheless, our grantees estimate that approximately 3.2 million responders need training nationwide. Planning and training grants are funded through registration fees paid by the hazardous materials industry. Recent changes in the registration program will increase our emergency preparedness program funds from \$8 million to \$14 million this year.

The grants program contains other important elements to assist the response community. During FY 1999, RSPA provided a grant to the International Association of Fire Fighters (IAFF) to conduct 10 "Train-the-Trainer" training sessions throughout the nation. About 200 state-level hazardous materials instructors were certified to train local responders in their states at the operations level. IAFF estimates that each trainer trains an average of 47 local responders. Thus, the RSPA training grant to the IAFF resulted in about 9,400 local responders being certified at the operations level. Ten additional training sessions are planned for FY 2000, and funds have been requested for FY 2001.

Providing technical assistance to states, local governments, and Indian tribes for carrying out emergency response training and planning is another element of the grants program. We work closely with the Federal Emergency Management Agency, the Environmental Protection Agency, the Department of Energy, the National Institute of Environmental Health Sciences, and with other federal agencies through the National Response Team. Together, we evaluate the overall benefits and effectiveness of the planning and training programs to determine what types or methods of federal technical assistance would be most valuable in support of local hazardous materials planning and training programs.

Finally, RSPA chairs the curriculum subcommittee of the National Response Team's preparedness committee and funds the development of the national curriculum guidelines for hazardous materials training. In March 1994, we released the first public edition of the curriculum guidelines, and we have updated it annually since then with help from the response community. We have distributed over 16,000 copies of the guidelines and have assessed the quality of courses for grantees and local fire departments across the nation.

Conclusion

Hazardous materials play a crucial role in driving the American economy and helping the United States improve its standard of living. At the same time, however, transportation of these materials poses risks to transportation workers, the general public, emergency responders, and the

environment. The challenge for us is to maximize the contribution that hazardous materials make to the economy while minimizing their safety risks. We welcome that challenge and look forward to working with you to sustain a first class hazardous materials transport system.

Thank you. I would be pleased to answer any questions you might have.

Federal Grant Programs for the Fire Service

Statement by Chief Luther L. Fincher, Jr.

presented to

**Subcommittee on Oversight,
Investigations, and Emergency
Management**

of the

**Committee on Transportation
and Infrastructure**

U.S. House of Representatives

April 12, 2000

International Association of Fire Chiefs

4025 Fair Ridge Drive • Fairfax, VA 22033-2868

(703) 273-0911 • FAX (703) 273-9363

Madam Chairman, members of the subcommittee, I am Luther Fincher, chief of the Charlotte, NC Fire Department. I am appearing today as the President of the International Association of Fire Chiefs (ICHIEFS).

The International Association of Fire Chiefs is a professional association comprised of over 12,000 senior fire and emergency officials in all fifty states. ICHIEFS provides a variety of services to its members including the representation of America's fire departments before the federal government.

Public policy positions are the result of consensus among members as articulated by ICHIEFS' elected Board of Directors. ICHIEFS maintains eight regional divisions and six special interest sections, such as the volunteer chief officers and emergency medical services sections. In addition, committees are formed to address specific issues such as hazardous materials, health and safety, and communications. These committees provide a forum for fire chiefs with relevant expertise to formulate national solutions to problems that confront the fire service.

The organization's president is elected at-large by the full association membership and serves a term of one year. Each of sixteen board members is elected regionally or by special interest section. Founded in 1873, ICHIEFS and its 30-member staff are headquartered in Fairfax, Virginia.

We appreciate the opportunity to testify before this subcommittee in support of House and Senate legislation as well as administration initiatives that will assist the fire service in the furtherance of its domestic mission. Specifically, we support HR 1168 and

HR 3155. We thank the authors and all of the cosponsors of these legislative initiatives. And, we thank the administration for its demonstrated support.

The legislative proposal to establish a federal grant program to benefit the fire and emergency services has merit and a basis for federal policy. It is important first, however, to understand the mission and scope of America's fire and emergency services.

Mission of the Fire Service

The mission of America's fire service was clearly spelled out in legislation that defined fire fighter activities authored by Representative Robert Ehrlich. It passed in this Congress and was recently enacted as Public Law 106-151. Fire fighter is now defined in the Fair Labor Standards Act as an employee who: "...is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk." The activities included are: "fire fighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker."

The image of the fire service is most often associated with fire suppression activities. However, fire departments have evolved into multi-hazard risk management and emergency response forces. The mission has expanded to include a wide range of threats to public health and safety and the fire department is expected to take whatever action is necessary in any situation. The fire service has also become increasingly involved in protecting the environment.

While the specific functions performed by different fire departments vary considerably, the overall fire service mission can be described as encompassing five primary areas:

1. Fire Suppression
1. Emergency Medical and Rescue Services
2. Hazard Control and Risk Abatement
3. Fire Prevention and Public Education
4. Enforcement of Fire and Safety Codes, Laws and Regulations

This broad definition of the fire service mission includes the primary responsibility for emergency response and intervention in situations that have the potential to harm persons or property, as well as efforts to manage risks, reduce vulnerability to potential threats and prepare for situations that could occur at some time in the

future.

Fire Suppression - The United States has more fire suppression capability, in terms of fire fighters, vehicles and equipment, than any other industrialized nation. The United States also has a relatively high rate of fires in comparison with other industrialized nations, which tends to justify the emphasis on fire suppression capability. The rate of fires is particularly high in low income areas and older urban areas, many of which would be highly susceptible to very large and damaging fires if they did not have effective fire fighting forces. The U.S. also has an unacceptably high rate of fire fighter injury and death.

The basic strategy of fire suppression combines rapid response to control fires while they are small (offensive strategy), along with the ability to confine and overwhelm any fires that exceed the capabilities of the initial attack (defensive strategy). The great majority of fires are successfully controlled, particularly in urban areas where fire departments are generally deployed to respond within 3 to 5 minutes to any fire that occurs - most structure fires do not spread beyond the room of origin and few involve more than a single building. The total capability of the fire suppression resources that are available in most urban areas can confine or control very large fires.

The fire suppression capability does not always equal the level of fire risk, particularly in smaller communities and rural areas. The massive "urban/wildland interface" fires that often threaten suburban areas and small communities in the western states, illustrate that the combination of high winds, low humidity and limited water supplies can overwhelm the capabilities of any fire suppression forces.

Emergency Medical Service - In most cities the fire department responds to more medical calls than fires or any other types of incidents. Over the past 20 years there has been a major shift by fire departments toward providing emergency medical service (EMS), accompanied by very significant advances in the accepted standards of emergency medical care. Approximately 60 percent of the emergency medical service in the United States is provided by fire department-based organizations.

This expansion of the mission has resulted in a large increase in the total number of emergency responses by fire departments. In some cases the fire suppression and

emergency medical service functions are fully integrated, with personnel trained and equipped to perform both missions, while other fire departments have separate EMS or ambulance divisions.

Where the fire department is not the primary provider of EMS, it is often the "first responder" agency, working with a separate EMS department or a private ambulance company. A "first responder" is dispatched to situations where a patient's condition requires rapid intervention and a fire suppression unit can reach the patient more quickly than an ambulance. Whether it is the primary provider or a first responder agency, the fire suppression force is likely to be a major component of the medical response capability for a mass casualty incident, as well as the primary rescue resource.

Rescue - In most areas the fire department is also responsible for conducting rescue operations, which range from relatively simple to highly complex and dangerous situations. All fire fighters have at least basic rescue skills and many fire departments have rescue companies that are trained and equipped to perform more complicated rescue operations. There have been major advances in training, equipment and technical skills related to rescue over the past two decades, which have resulted in the development of many specialized technical rescue teams for particular types of incidents.

The list of rescue specialties includes vehicle extrication, confined space rescue, swift water and underwater rescue, urban search and rescue (rescue of victims from collapsed structures), high angle rope rescue, mountain rescue and several others. Specialized rescue teams are usually developed to deal with the types of incidents that are most likely to occur in a particular community or region. In many cases the teams are made-up of individual fire fighters who have the advanced training, while others involve fire suppression companies that have been designated to perform specific technical rescue functions in addition to their regular duties.

Hazard Control, Risk Abatement and Technical Operations - Fire departments are generally responsible for the regulation and control of other types of hazards particularly the transportation, storage, handling and use of hazardous materials (*hazmat*). This includes the responsibility for responding to incidents that involve spills and releases of hazardous substances, which would also include terrorist incidents that involve explosives, nuclear materials and biological or chemical agents.

Some fire departments, particularly in major cities, have dedicated hazardous materials units that specialize in performing the technical response functions, while others have organized special teams similar to the special rescue teams. Regional response teams often involve participants from more than one fire department.

Fire Prevention & Public Education - During the past 20 years there has been a significant decline in the number of fires and in the number of fire deaths and injuries in the United States, most of which can be attributed to improvements in fire prevention and public fire safety education. Fire prevention measures decrease the level of fire risk by eliminating hazards, requiring safe construction and ensuring that systems to detect and control fires are installed and properly maintained. Public education efforts are designed to increase public awareness of hazards and to teach safe practices. Public education programs have also become a vehicle to train the public in appropriate self-help procedures and to develop community based response capabilities for other types of emergency situations, such as earthquakes and hurricanes.

Because of this success, the Federal Emergency Management Agency asked the fire service to join in its Project Impact to help build disaster-resistant communities. Just a year ago, ICHIEFS and numerous other fire service organizations formed the Project Impact Fire Services Partnership for Disaster Prevention. The goal is to broaden the traditional fire prevention role of the fire service to assist the comprehensive effort to build disaster-resistant communities.

Law Enforcement - The fire department is usually responsible for investigating and determining the causes of fires, which is the first step in most arson investigations. Some fire departments have full responsibility for investigating arson, while others work with state fire marshals or with police investigators on criminal cases. Federal law enforcement agencies, particularly the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigation (FBI), have increased their involvement in arson cases and expanded their relationships with local fire investigations units in recent years.

In addition to regulating the storage and use of explosives within local jurisdictions, several fire departments are directly involved in investigating bombings and some operate the local bomb squads. The fire service is likely to be the first responding agency to terrorist incidents to provide medical treatment,

conduct search and rescue operations, control fires and deal with explosives, chemical agents and other types of hazards. This involvement in terrorist incidents requires a close working relationship with investigating agencies to identify, protect and recover evidence.

Many fire departments also work closely with the Drug Enforcement Administration and other law enforcement agencies in shutting down drug labs that utilize dangerous chemicals. Some fire departments have assigned medical personnel to train with police SWAT teams and support their operations.

The application of fire prevention codes, life safety codes and building codes to limit the level of fire risk is an additional law enforcement function. The fire service is also increasingly involved in the enforcement of environmental protection regulations relating to the storage and use of hazardous materials.

Fire Department Organization

The fire service exists in many different forms throughout the United States and encompasses a very large number of individuals and organizations. Although it is primarily associated with local emergency response organizations, the fire service operates at all levels of government as well as the private sector. The total size of the public fire service is estimated at over 30,000 fire departments with approximately 1.1 million members.

All major metropolitan cities in the United States and most cities with more than 50,000 population are protected by municipal fire departments and career fire fighters. The career fire service is estimated to include about 3,000 fire departments and approximately 275,000 full-time paid fire fighters. The largest career fire department has more than 11,000 full time employees (New York City), while the majority have fewer than 50 employees.

Volunteer fire departments protect most of the rural areas and smaller communities in the United States, as well as many of the suburban areas surrounding large cities. There are estimated to be approximately 27,000 volunteer fire departments and more than 800,000 volunteer fire fighters in the United States.

Some jurisdictions have what is known as combination fire departments where both career and volunteer fire fighters form the fire and emergency response. Two examples of combination departments near Washington, DC are Montgomery County, MD and Fairfax County, VA. There are many other examples across the country.

Most of the fire departments in the United States operate at the local government level. However, there are many variations in their organization and structure in different states and regions. Fire department organization structures are often based on a combination of history and tradition, as well as state legislation.

Local Government - Most career fire departments are organized as part of a municipal government and supported by local tax revenues. The Fire Chief usually reports directly to the Mayor or City Manager or to an appointed Public Safety Director or Commissioner. While most towns and cities operate their own fire departments, others have joined with neighboring communities to operate unified fire departments and some obtain services from a neighboring community or from a county or regional fire department.

Fire districts are separate governmental bodies that are organized specifically to collect and appropriate tax revenues for the limited purpose of providing fire department services. Most fire districts are established by counties to protect unincorporated areas and they often have their own elected fire commissioners or appointed governing bodies. Incorporated communities sometimes contract with fire districts to serve their areas or delegate a portion of their local taxing authority to a fire district to obtain their services. Fire districts also have the option of contracting with another provider, such as a nearby town or city, instead of operating their own fire department to deliver the service.

The relationships between volunteer fire departments and local governments are much more variable, particularly from state to state. Volunteer fire departments are often established as independent non-profit corporations and many are supported by non-tax revenues, including a wide range of fund raising activities. In other cases they are supported by fire district taxes or direct appropriations from counties or municipalities.

In some states volunteer fire departments are established by state charter and are

independent of any local government authorities. While there may be no direct structured relationship between the volunteer organization and the local government, there is usually some form of official authorization or delegation of responsibility to the volunteer fire department to provide emergency services to the community. These relationships are often based on local history and regional traditions.

Volunteer fire chiefs and officers are often elected by the members of their departments, although their authority to act as public safety officials is generally established through state legislation or through official appointment by the local governmental body. In many cases an elected volunteer fire chief has the same legal authority and responsibilities as a fire chief who is appointed by the chief executive of a city, town or county, although this varies considerably with state and local laws.

Other Public Fire Departments - The federal government, many state governments and other quasi-governmental bodies, such as airport authorities and port authorities, also operate fire departments. Some of these fire departments are highly specialized, such as airport fire departments, while others are very similar to local fire departments. The on-site fire departments often have reciprocal mutual aid relationships with surrounding fire departments and some routinely respond to calls in the immediate area around their facilities.

Each of the armed forces operates its own network of fire departments to protect their larger bases and facilities. Several other federal agencies operate fire departments to protect their large and high risk facilities, particularly where the risks exceed the capabilities of the local fire service. Local fire departments often provide protection for federally owned and operated properties within their geographic areas, including many smaller military installations.

Private Fire Protection - There are a few private companies that provide fire department services as contractors to municipalities or fire districts. Where there is no public fire protection, some of these companies offer their services to individual property owners on a subscription basis. The relationship of these private fire departments with surrounding public fire departments is often limited.

Industrial Fire Departments - Many large industrial facilities operate their own fire departments or fire brigades, particularly large installations that involve

exceptional risks or have special requirements. These on-site fire departments protect many strategically significant facilities, such as nuclear power stations, oil refineries and chemical plants that require very specialized capabilities. The on-site fire departments may have to be self-sufficient, particularly where the location is geographically isolated or the risks are beyond the capabilities of conventional fire departments. In a few areas, where there are many facilities with their own fire departments, they have established extensive mutual aid arrangements with each other, similar to mutual aid agreements among public fire departments.

When the facility is located within a jurisdiction that has a public fire department, the operations of the industrial fire department are usually subject to the command authority of the local fire chief, who has the legal responsibility to ensure that public safety is the first priority. In addition to providing the expertise and specialized equipment that may be essential for an on-site emergency, these organizations can often be a valuable resource to the public fire service - some participate in mutual aid networks as specialized resources and respond outside their facilities to assist public fire departments.

This fairly describes the mission of the fire service. It is apparent that the fire service is multifaceted and, indeed, an all-risk emergency response service.

Federal Government Relationships

Operational - The federal government has a major role in relation to emergency management and disaster planning, as well as the response to and recovery from declared disasters. The Federal Emergency Management Agency (FEMA) manages the disaster assistance programs that support and assist state and local jurisdictions when a federal disaster is declared. When this occurs a strong temporary relationship is often established with the local fire service, particularly where the fire chief is also responsible for a community's emergency management functions.

In most cases the mobilization of local resources to assist in disaster response and recovery operations is coordinated through state emergency management agencies. FEMA operates the Urban Search and Rescue (USAR) Program, which involves 27 locally based response teams. The USAR teams can be dispatched to major incidents anywhere in the United States that involve heavy rescue operations, such as collapsed buildings. Most of the USAR teams are operated by fire departments

and fire department members are involved in all of the teams. These teams are an integral component of the response plan for earthquakes and hurricanes, as well as major terrorist incidents, such as the Oklahoma City bombing.

FEMA also includes the United States Fire Administration and its National Fire Academy, which are responsible for several programs and advanced education opportunities for the fire service. Both of these agencies are located at the National Emergency Training Center in Emmitsburg, Maryland, which is also the focal point for training state and local officials in emergency management. The US Fire Administration programs provide valuable assistance to local fire departments, but the agency does not directly fund, regulate or participate in the delivery of fire services.

Several other federal agencies have programs that support or involve relationships with the fire service. These include the Department of Transportation, which is particularly involved with hazardous materials transportation, as well as the Coast Guard and the Environmental Protection Agency, which are concerned with spills and releases of hazardous materials. The

Department of Energy works with FEMA in providing training programs for emergency responders relating to radioactive materials. The Federal Aviation Administration provides funding for many airport fire departments and conducts research related to aircraft fire fighting and rescue operations.

The Department of Transportation supports emergency medical services through the National Highway Traffic Safety Administration. The Public Health Service is also involved in supporting emergency medical services and recently initiated the Metropolitan Medical Response Systems (MMRS) program, which involves fire departments in several metropolitan areas.

The Department of Justice is working with fire departments on counterterrorism training programs. The Bureau of Alcohol, Tobacco and Firearms and the FBI both work with local fire investigators on arson investigations, bombings and related cases, and the Drug Enforcement Administration has a relationship with many fire department hazardous materials teams due to the problem of hazardous chemicals that are involved in many drug labs. The Department of Justice also operates the Public Safety Officer Benefits Program, which covers deceased and disabled

firefighters.

The Department of Defense under the Nunn/Lugar/Domenici Amendment will provide training to the fire departments of 120 major metropolitan areas to plan and prepare for terrorist activities that involve nuclear, chemical and biological agents. This program will end once all 120 jurisdictions receive the training. The fire departments that are operated by the Department of Defense often work closely with local fire departments and provide a valuable back-up resource for many communities. The Department of Defense has also assisted fire departments in training with explosive devices and sponsors many research projects that have proven to be valuable to the public fire service.

The federal and state governments have the primary responsibility for fighting wildland fires, particularly on state and federal lands. The forces that provide wildland fire protection are usually seen as a separate branch of the fire service and have a fairly limited relationship to the fire departments that protect most urban and built-up areas, although it is not unusual for urban fire departments to become involved in wildland interface fire fighting operations. Some local fire departments have contractual agreements to provide the initial attack on wildland fires on state or federal lands and participate in the nationwide system for major wildland fires.

Regulatory – The federal government has a number of administrative regulations which impact upon the fire service. Some of these regulations have been supported by the fire service such as OSHA's respiratory protection standard, hazardous materials response, and bloodborne pathogens. Other regulations such as EPA's emissions standards which significantly affect the costs of diesel engines and the FCC authority over wireless radio systems used by emergency responders are merely adhered to. But each federal regulation

brings with it a cost to the fire department in terms of training requirements, additional equipment needs, and increased purchase price for apparatus. These are basically unfunded mandates where local government entities or volunteer fire and rescue companies bear the costs.

Fire Service Part of U.S. Infrastructure

Three years ago, the Presidential Commission on Protection of the Critical Infrastructure identified the fire service as a key component of the protection of this country's critical infrastructure. The Commission declared the fire service an integral part of that infrastructure. The fire service is, in fact, part of the very fabric of America.

But today's fire service is no longer penned-in by jurisdictional boundaries. Most metropolitan areas have mutual aid agreements which routinely find fire companies operating outside their jurisdiction. There is an increase in highway incidents along the federal interstate highway systems to which local units respond. Increased cargo tonnage moving by truck, rail, ship and aircraft are increasing not only as a result of business expansion but from international trade agreements approved by the federal government. This increase in commerce is directly associated with increased incidents requiring emergency response.

ICHIEFS Calls for Federal Grant Program

Madam Chairman, I have described the mission of the fire and emergency service. Our service covers the entire United States, protects the property therein, and serves virtually every citizen and visitor in this country. The fire and emergency service is an all hazards response service including some aspects of law enforcement. The Presidential Commission on Protection of the Critical Infrastructure identified five components of the U.S. critical infrastructure. America's fire and emergency service protects all segments of that critical infrastructure and is part of that critical infrastructure responsible for the continuance of government. And this is so, not just because a commission says so, but because it is the reality.

We are our nation's domestic defenders. We are based locally but willingly share a national responsibility to protect our nation from all forms of disaster – natural and manmade, large and small. Congress needs to understand the breadth in scope and the depth in impact of today's fire service which touches every part of our nation. And Congress needs to support this service with a federal grant program that promotes the safety and health of the emergency responders to assure that they can better serve the citizens and our nation.

Thank you for the opportunity to appear before this subcommittee. I am prepared

to answer any questions which you or the members of the subcommittee may have.

Luther L. Fincher, Jr.

Biography

Luther L. Fincher, Jr. has been Chief of the Charlotte Fire Department since December 1987. He was hired by the department in January 1966 and rose through the ranks to fire chief. He was the department's first Hazardous Materials Coordinator and was appointed Emergency Management Director in December 1984.

Chief Fincher holds an Associate in Applied Science in Fire Technology from Central Piedmont Community College and is a graduate of the North Carolina State Fire College. He has graduated from the National Fire Academy's Executive Fire Officer program. He attended the Kennedy School of Government at Harvard in 1989. Chief Fincher is the current president of the International Association of Fire Chiefs and is a past president of the association's Metropolitan Fire Chiefs Section.

Chief Fincher is a Charlotte native; he graduated from Central High School in 1959 and served in the United States Marine Corps. He and his wife Gayle have one son, Luther Fincher III, who is a fire fighter with the Charlotte Fire Department.

**TESTIMONY TO THE
UNITED STATES HOUSE OF
REPRESENTATIVES**

**HOUSE TRANSPORTATION AND
INFRASTRUCTURE
SUBCOMMITTEE**

ON

**OVERSIGHT, INVESTIGATIONS, AND
EMERGENCY MANAGEMENT**

APRIL 12, 2000

Provided by:

William F. Jenaway, Ph.D., CFPS

Chief, Fire & Rescue Services

King of Prussia Volunteer Fire Company

170 Allendale Road

King of Prussia, PA 19406

Tel: 610-265-1063

Testimony by:

William F. Jenaway, Ph.D., CFPS

Chief, Fire & Rescue Services

King of Prussia Volunteer Fire Company

Thank you for the opportunity to address you, regarding the current needs created by the Federal Government for America's emergency services. As you well know, the challenges faced by Americans are many. Yet, none are so dramatic as those which create the scenario of fire, rescue, hazardous material, terroristic or similar dramatic situation.

The purpose of my discussion is not to remind you about volunteer concerns of recruitment, retention, basic financial support or similar issues you have heard about before and will continue to be reminded of. They are recurring, yet dynamic, in foundation. My purpose today is to better inform you about those that have resources; but are being inundated with federal bureaucracy, mandate and impact. These situations make even the best planning organizations deficient.

For example, in the emergency services world, we would expect the generator of a situation to be held responsible for that situation (e.g. a tanker accident and resultant fire). Yet, the federal government can generate a situation by simply mandating a charge (e.g. minimum training or equipment capability) and expect

the fire and emergency medical service to immediately be prepared. In reality, if the organizations have planned effectively, they will not be able to budget for any improvements for at least a year and probably two or three; let alone conduct the training in a timely manner. The cause and effect relationship of expecting immediate or short-term capability to meet perceived goals, isn't always attainable. Why not better analyze the impact and needs of attaining the expectation, before mandating the expectation?

Secondly, where federal dollars have provided for a new roadway or facility, why does the government not adequately provide for the emergency response capability needed for that area? Why force local funding for a federally implemented project? For example a nearby community has less than 2,500 residents and a small tax base, yet it is the connecting point for two interstate highways. This small town fire company, which can more than adequately handle its own needs and finances, is now forced to provide more services, and receives no compensation for the responses. Their response demands have escalated not to the point of inability to serve, but to force the small community which receives no benefit from the highway, to experience an unbelievably high cost impact.

Testimony of Chief William F. Jenaway

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Not only do the highways provide challenges, but also the rails. Daily, we will have hundreds of rail tank cars with hazardous materials moving through or transferred, at a rail facility in my community. The majority of our significant hazardous materials situations are generated by cars at this facility. The training and protective equipment needs created by DOT, OSHA, EPA, and related second-level regulators (e.g. codes and standard promulgators), drive safety and health

expectations. Let us also not forget pipelines and flight paths; which both affect my community.

Yet, how does the federal government support me in providing initial and recurring training and equipment? We receive more direct funding from the Pennsylvania Insurance Premium Tax program, than we do from the federal government to be able to train and protect our members and community. In effect, local people and business continue to fund local needs even though the federal government has mandated the training and equipment level. As a taxpayer, that just doesn't seem right to me. Maybe, locally, we should have the right to modify the federal regulation and determine if we think what you are telling us to do, is the right thing to do. However, I trust your decisions and wisdom, we just ask you to provide the resources to help us achieve what you are mandating us to do.

Next, is the ever present threat of a terroristic attack. As a member of the current "Advisory Panel to Assess Response Capabilities for Terrorism Involving Weapons of Mass Destruction", I probably have a greater awareness and understanding of this issue, than most of my colleagues. Approximately two years ago, my department was the first in our county (career or volunteer) to receive the DOD short-course on Domestic Terrorism awareness. At that time, the course simply heightened the awareness of the gap between what we might face and what we have to provide in the form of resources and equipment. My department is fortunate to have a substantial budget, which we plan one year and five years in advance. However, it is not sufficient enough to provide the expected equipment and related resources for this type event; nor did I have ready access to it regionally, in sufficient time to safely bring the situation to a safe conclusion. Any effort to mandate any related performance level expectation could not be met for three years, while being consistent with our budgeting process, and keeping the organization financially manageable.

Yet, by simply defining what the government believes should be done in the way of training, equipment provision, and support services, immediately escalates the standard of care and puts volunteers and their related "corporate fire departments" at risk, more so than those that are totally public funded and managed. In essence, providing expectations in the form of regulations and legislation without commensurate funding, training, and equipment puts many emergency service response groups into multiple risk situations.

Testimony of Chief William F. Jenaway

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I would also suggest, that the Federal Government may or may not adequately fund those organizations that respond to federal property. If one doesn't pay property tax or related taxes, yet creates a demand on fire and ems services by having facilities and people in a community; where does the funding source come from to "cover for you"? My department protects a piece of federal property. The amount of annual donation we receive is typically exhausted in the first quarter of the year, based upon the response demands to that property. Who covers for the federal governments under-funding of the fire and ems services? the local community.

When it comes to funding resources, volunteer fire and ems personnel typically have no equal. We seem to be able to raise money in the most unusual of ways. However, there has to come a time when everyone realizes they are paying for the services (or lack thereof) in one way or another. They pay through taxation, or they pay through donation. At the end of the day, all services require more money each year due to inflation and increased service demands - excluding labor costs. Most significantly in today's world, the volunteer has only so many hours to devote to their service. The more time that is necessary for training, escalating responses, and administrative issues the less time there is for fundraising. The federal government sees fit to protect and fund our military to protect our "shores" from foreign threats; maybe it is time to devote more funding to protecting your domestic defenders to protect us from new foreign threats as well as the threats of natural disasters.

Pennsylvania, I believe, has been at the forefront of funding the fire service, particularly in recent years. Governor Tom Ridge and the Pennsylvania legislature are supportive and actively seek ways to increase support and funding, even to the extent of regularly engaging the fire and ems service on what is needed. I have

personally testified several times and am happy to report actions taken on a regular basis to assist the Pennsylvania Fire Service. Our loan program is second to none in providing resources to help finance big-ticket items. My department has used this program several times over the years and currently has an outstanding loan; with our eyes set on obtaining another as soon as possible. Perhaps, if the federal government would help cover the expenses incurred by responding to their properties and to the numerous calls to which we respond on interstate highways, our need to use the loans might be reduced and other departments could better benefit.

In addition, the leadership of my community could not be more supportive to the fire and ems services, last year increasing our funding with a higher percentage than any other municipal department. Yet, our call volume to those who pay these local taxes are not relational to the call volume on Interstate Highways, federal properties, and to train and protect personnel in the way the federal government expects them to be.

Testimony of Chief William F. Jenaway

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However, money alone, isn't the solution. Money must be utilized to gain an outcome that is beneficial, and I offer that money must be strategically and tactically managed to achieve that goal. What are we trying to achieve, how can we achieve it most cost effectively, and how do we measure it? Is simply buying protective equipment that can be used in biological incidents the solution - NO. Is more training, in and of itself the answer - NO. But is sitting and waiting for states and local government to fund it the answer - NO, unless the Federal Government is willing to tax less and allow the local and state government the opportunity to take the shifted dollars and use them for INFRASTRUCTURE UPGRADE. Which is what you are really considering here today.

The intent of providing this information is not to suggest that the Federal Government refrain from funding improvements in the infrastructure of America. However, it must realize that it cannot direct these improvements be made, without corollary funding and provision of adequate resources to manage potential problems.

Biographical Sketch

Dr. William F. Jenaway

William F. Jenaway, Ph.D., CFPS, is Chief of King of Prussia Volunteer Fire Company and Chair of the Municipal Fire and Rescue Services Board in Upper Merion Township, Montgomery County Pennsylvania; a major suburb of Philadelphia, covering 14 square miles, 24 miles of interstate highway, a 3,000,000 square-foot mall, convention center, Valley Forge National Park, and a residential population of 26,000 and working/transient population of over 200,000 per day.

A member of the King of Prussia Volunteer Fire Company since 1980, he has served in all officer capacities. Prior to this Bill was Fire Chief in East Bethlehem Township, Washington County, Pennsylvania, joining there in 1968. He holds, A.S., B.S., M.A., and Ph.D. degrees; as well as five professional technical certifications.

He is employed as an executive in the Property & Casualty Insurance industry with primary responsibilities in loss prevention, fire protection and safety issues.

Bill also serves as the President of the Congressional Fire Services Institute, having served with CFSI since its inception in 1988. For five years he also served on the Board of Directors of the Pennsylvania Fire Services Institute, including three years as its President. He is currently serves on a Presidential and Congressional

Advisory Council regarding the U.S. Capabilities to Manage Terrorist Incidents Involving Weapons of Mass Destruction.

In addition, Bill has authored seven fire service texts, hundreds of articles and frequently can be found on the conference lecture circuit. He is nationally recognized for his expertise in Fire Department Risk Management and Emergency Planning.

He is a member of IAFC, NFPA, SFPE, ISFSI, Dr. Jenaway is also active locally in the community on various boards and volunteer initiatives. What little free time Bill has, is managed by his wife Joan and three daughters Kelsey, Katie and Lizzie.



National Volunteer Fire Council

1050 17th Street, NW, Suite 1212, Washington, DC 20036; 202/887-5700 phone; 202/887-5291 fax

**TESTIMONY BEFORE THE
SUBCOMMITTEE ON OVERSIGHT, INVESTGATIONS, AND
EMERGENCY MANAGEMENT
ON
H.R. 1168, THE FIREFIGHTER INVESTMENT AND RESPONSE
ENHANCEMENT ACT AND H.R 3155, THE FIREFIGHTER'S LOCAL-
FEDERAL ASSISTANCE FOR MANAGEMNT OF EMERGENCIES ACT
APRIL 12, 2000
BY
E. JAMES MONIHAN**

NATIONAL VOLUNTEER FIRE COUNCIL

**PAST CHAIRMAN &
DIRECTOR, STATE OF DELAWARE**

Ms. Chairman and members of the committee, my name is James Monihan. I am the Former Chairman of the National Volunteer Fire Council (NVFC) and currently serve as their Delaware State Director. I am also firefighter in the Lewes Fire Department in Lewes, Delaware. I have served as a volunteer firefighter for 43 years and still respond regularly to calls. I have had experience in all phases of the

life of a first responder, including chemical and hazardous materials incidents, EMS, rescue and fire. On behalf of the volunteer fire service, I appreciate the opportunity to comment on the needs of America's volunteer fire service addressed in H.R. 1168, the Firefighter Investment and Response Enhancement (FIRE) Act and H.R. 3155, the Firefighter's Local-Federal Assistance for Management of Emergencies (FLAME) Act. America's fire and emergency services are in need of your assistance and you, as Members of Congress, could make a difference with the necessary funding.

The NVFC represents the interests of the nation's more than 800,000 volunteer firefighters, who man America's 28,000 volunteer fire departments located in every state of the Union. According to the National Fire Protection Association (NFPA) nearly 75% of all firefighters are volunteer. More than half of the approximately one hundred firefighters that are killed each year in the line of duty are volunteers. In addition to the obvious contribution that volunteer firefighters lend to their communities, these brave men and women represent a significant cost saving to taxpayers. A 1991 study commissioned by the National Institute of Standards and Technology (NIST) concluded that it would cost taxpayers \$36.8 billion each year to convert volunteer fire departments to career departments. According to a September 1999 study by the State Auditor of my home state of Delaware, the volunteer fire service saves taxpayers over \$116 million per year.

One of the largest problems faced by America's volunteer fire service is funding. Most volunteer departments serve small, rural communities and are quite often the only line of defense in those communities. Unfortunately, these departments are struggling to provide their members with adequate protective clothing, safety devices and training to protect their communities.

At the same time, the federal government is asking the fire service to respond to calls involving terrorism, hazardous materials, natural and man-made disasters and wildland/urban interface fires. Many of these emergencies occur on federal properties such as national parks and lands. Wild fires that are kept small are less expensive to extinguish and cause much less damage. Your investment in the services of these rural fire departments ultimately protects federal and private lands from fire losses and human tragedies. In this instance, your support can be viewed as payment for services rendered the same as a homeowner who gives a contribution or buys a ticket to a fundraiser for their volunteer fire department.

There are hundreds upon thousands of departments that are so poorly funded, their firefighters and the citizens in their community are at risk everyday.

For instance, in Ozark County, Missouri, the Brixey and Rockbridge Volunteer Fire Department responds to 150 square miles on a budget of \$6,500 per year. About \$2,200 of that is spent on their insurance premium, leaving them a little over \$4,000 for fuel, upkeep of equipment and any upgrades they can make. Half of that money is made from a fundraiser the department holds along with their ladies auxiliary, and the other half is made through membership dues. Their one pumper is from 1955, their water tanker is a converted fuel tanker from 1964, and they are still using a brush truck from 1946. The department has four sets of self-contained breathing apparatus that should have been taken out of service a long time ago according to NFPA standards. If they need to go into a burning building, they wear sweatpants over their blue jeans. There is one ambulance in the county, which is 40 minutes away when it is not committed. In addition, it may take as long as an hour and 10 minutes for a rescue tool, commonly called "the Jaws of Life," to get to the scene of a car accident.

Another department of which we are aware of is truly in need of some help. All this small local volunteer fire department has to fight a fire is an old, converted military six-by-six, that has a water tank and pump mounted on the back. Their 20-member department has only two pieces of self-contained breathing apparatus (SCBA), which are outdated. Most of the turnout gear is either too old or doesn't fit and most of their helmets are cracked. They are currently fighting fire in their **street clothes**, while waiting for mutual aid from 15 miles away. They have one or two radios and no alerting system. When there is an emergency call for them, the county Sheriff's Department notifies them by telephone. If they are not near their phone, they've missed the call.

On April 6, 1999, two volunteer firefighters died while trying to escape a wildland fire burning outside of Morehead, Kentucky. Subsequently, two Safety and Occupational Health Specialists from the National Institute for Occupational Safety and Health (NIOSH), Division of Safety Research, investigated the incident. They concluded that, to minimize similar occurrences, fire departments engaged in wildland firefighting should provide firefighters with wildland personal protective equipment (PPE) that is compliant with NFPA standards, they should equip firefighters with approved fire shelters and provide training on the proper use of the fire shelters, and they should learn, communicate, and follow the 10 standard

fire orders as developed by the National Wildfire Coordinating Group (NWCG). The NVFC feels that an increase in funding is the only way small volunteer departments could comply with NIOSH's recommendations.

There are departments like this in every congressional district across this country. It is ironic that all of the federal agencies and even Congress can adopt mandates on the fire service. However, these departments are the only line of defense in these communities and if they can't meet these mandates, what happens?

The funding problems in America's volunteer fire service are not just limited to rural areas. As suburbs continue to grow, so does the burden on the local fire and EMS department. Even though many of these departments have the essentials, they are unable to gain access to new technologies. At no other time have advances been greater in equipment to protect them and make their jobs safer. Yet because the newer technology is so expensive, many volunteer fire departments can only dream of owning it.

For instance, many firefighters can now wear an encapsulated ensemble of fireproof gear, along with lined helmets that absorb shock, and hoods that protect exposed head and neck parts. There's also a Personal Assisted Safety Signal, or PASS, device that is attached to the firefighter. The PASS will emit a loud signal if the firefighter gets trapped or becomes disabled. Older versions required firefighters to sound the device themselves. Newer models sound a

110-decible alarm if a firefighter remains motionless for 25 seconds. Each PASS device sells for \$125.

Instead of the traditional gear that weighs between 40 and 60 pounds, lighter weight air bottles and materials have lightened firefighters' loads, decreasing their physical stress. However, turnout gear costs over \$1,000 per set and self-contained breathing apparatus are close to \$3,000 each.

Perhaps the best advance in fire equipment in the past 25 years - and the most expensive - is the thermal imaging camera. The cameras, which can cost up to \$25,000, are used to distinguish items of various temperatures in a smoke-filled room. Firefighters can make out a human body through thick smoke or can hone in on fire "hot spots" without having to tear entire structures apart. Older models were

mounted on helmets; newer versions are hand held, adding flexibility to searches.

Other advances include Global Positioning Systems, which allow dispatchers to send out fire companies nearest to a fire; fiber-optic ropes, which contain tiny lights to help firefighters retrace their way out of smoke-filled structures; and compressed air foam, a fire retardant that increases the surface area of water, helping to extinguish fires three to five times more quickly.

Unfortunately, many volunteer fire departments are unable to take advantage of this new technology because of budget restraints. Do you know how many pancake breakfasts it takes to buy a \$25,000 piece of equipment? Many department can tell you, because that how they have to pay for it.

These pieces of legislation will allow departments to more adequately equip and train their firefighters, thereby increasing the safety level of the communities they protect. In addition, Federal funding of local fire companies represents a form of local taxpayer relief. Also, as departments become better equipped, their Insurance Services Office (ISO) rating goes down, in turn lowering the insurance rates of the community's homeowners. The volunteer fire service represents a national resource of enormous value that must be supported and nurtured if it is to continue to fulfill its critical role in emergency services response. This committee and Congress can do its part by supporting these pieces of legislation.

When I began my testimony today, I stated that the volunteer fire service is in need of your assistance and that you, as Members of Congress, could make a difference with the necessary funding. I hope that I have painted a picture that illustrates that the need is real, that the moneys do go a long way, and that the support of the fire service by Congress is indeed a national concern.

Ms. Chairman, I thank you for your time and your attention to the views of America's fire service, and I would be happy to answer any questions you may have.



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

ALFRED K. WHITEHEAD
General President

VINCENT J. BOLLON
General Vice President

STATEMENT OF

FREDERICK H. NESBITT

DIRECTOR OF GOVERNMENTAL AFFAIRS

ON

FIRE GRANTS: H.R. 1168, H.R. 3155 AND

THE ADMINISTRATION'S PROPOSAL TO ASSIST FIRE FIGHTERS

BEFORE THE

OVERSIGHT, INVESTIGATIONS,

AND

EMERGENCY MANAGEMENT SUBCOMMITTEE

OF THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

1750 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006-5395 • (202) 737-8484 • FAX (202) 737-8418



APRIL 12, 2000

INTRODUCTION

Madam Chair. My name is Frederick Nesbitt, and I am the Director of Governmental Affairs for the International Association of Fire Fighters (IAFF). I greatly appreciate this opportunity to represent the 230,000 professional fire fighters and emergency medical personnel who are members of the IAFF on the nation's need to provide federal funding to protect fire fighter health and safety.

Madam Chair, each year there are a million structural fires in the United States. Because fire fighters respond to these emergencies, often lacking basic staffing, training, and equipment, there is a virtual epidemic of fire fighter line of duty deaths and injuries in our country. Just in recent months, our union has lost brave brothers and sisters in Worcester, Massachusetts; Kansas City, Missouri; Revere, Massachusetts; Keokuk, Iowa; Houston, Texas; and Memphis Tennessee. The loss of these courageous men and women who responded to their last call was not just felt by their families, friends, and colleagues, but these tragedies were mourned by an entire nation.

Who will forget the memorial for the six fallen fire fighters in Worcester. As the memorial for fire fighters Paul Brotherton, Timothy Jackson, Jeremiah Lucey, James Lyons, Joseph McGuirk, and Lt. Thomas Spencer was televised live on CNN, it seemed the whole nation stopped to pay one last respect to these fallen heroes. When our leaders from Congress and the President addressed and consoled those in attendance, as the nation watched on television, it could not be argued that this was a local loss. It was an event that touched all of us.

At this time, I would like to recognize several people who have traveled from Massachusetts to attend this hearing. They are representatives of IAFF Local 1001-Worcester, President Frank Raffa, Vice President Donald Courtney, and Treasurer Edward Ryan; the wife of Jeremiah Lucey, Michelle Lucey, and his sister Nora Fabrycki; and the Fire Chief of Worcester, Dennis Budd.

Unfortunately, for every fire fighter whose name appears in the national media for making the ultimate sacrifice, there are thousands more the nation is unaware of, who have lost their lives, suffered serious injuries, and been exposed to toxic substances and diseases in the line of duty. In fact, each year, a third of our members suffer line of duty injuries requiring medical treatment and are severe enough to prevent them from working at least one shift.

This is **UNACCEPTABLE!** We have an obligation—a moral responsibility—to protect these heroes, our nation's domestic defenders, who protect us.

A majority of the deaths and injuries that fire fighters suffer are preventable. In every one of its investigations into fire fighter fatalities, the National Institute of Occupational Safety and Health (NIOSH) found correctable problems. Proper training and equipment, adequate staffing, and other programs save fire fighters' lives. Unfortunately, too

many jurisdictions do not provide these basic protections. They make fire fighter health and safety the last priority in their departments' budget.

THE NEEDS

Staffing--The National Fire Protection Association (NFPA) is the consensus codes and standards-making body of the fire service. The association's membership is composed of diverse fire-based organizations, ranging from fire fighters, to insurance companies, to governmental agencies. The NFPA codes and standards have been adopted as law by federal, state, and local governments, including the Department of Labor, the Department of Health and Human Services, and Congress.

NFPA states that the **MINIMUM** staffing level is four fire fighters per fire response unit for low-risk areas, and five to six fire fighters per response unit in high-risk areas. Examples of high-risk areas are the high-density, high-rise urban areas such as Washington, D.C. NFPA states further that a **SAFE** staffing level is a total of 16 fire fighters when responding to an ordinary house fire.

Yet, fire departments around the nation consistently staff below minimum staffing levels, putting the public and fire fighters at risk. An example of unsafe staffing is West Bend, Wisconsin. West Bend is a city where the local leaders have placed public safety as their number one priority. Because of this enlightened view, the fire department has received top notch personal protective equipment and fire apparatus. However, the West Bend Fire Department staffs **THREE** fire fighters per fire apparatus. This is a tragedy waiting to happen...the kind of tragedy that the town of Keokuk, Iowa only knows too well.

The tragic house fire in Keokuk, Iowa killed three children and three of our members just before Christmas. Currently, NIOSH is conducting its Line-of-Duty-Death Investigation so we cannot make any definitive conclusions regarding the factors in the deaths. However, what we can be sure of is that when David McNally, Jason Bitting, and Nathan Tuck responded to the house fire, there was not the minimum staffing of four fire fighters to an apparatus or the safe staffing level of 16 fire fighters on the fire ground at a house fire.

Minimum staffing is not just a small town issue, as there are unsafe staffing levels in large cities as well. Clark County, Nevada entered a formal stipulated agreement with Nevada OSHA to increase its staffing level of four fire fighters per fire response unit. This is clearly a victory for the citizens of Clark County. However, the irony of this agreement is that even with four fire fighters per response unit, NFPA's requirement of six fire fighters per response unit in high-risk areas still not met. When there is a fire in one of those mega hotels and casinos in Las Vegas, like the MGM Grand tragedy in the early eighties, I guarantee you that four fire fighters per response unit is not enough to handle that kind of emergency.

Four fire fighters per fire apparatus in low-risk areas and six fire fighters in high-risk areas are the recognized national standards. These numbers ensure that when the first vehicle arrives at the scene of the emergency, there are enough fire fighters to meet OSHA's safe fire ground regulation of "2-in/2-out" and to initiate interior fire suppression. Anything less than four fire fighters to a fire response unit in low-risk areas and six in high-risk areas is unsafe and courting disaster.

Training--Adequate training for fire fighters is a matter of life and death. The old adage, "practice makes perfect," applies nowhere more starkly than to fire fighters because death or serious injury could result if everyone on the fire scene does not execute their assignment during an emergency operation. First responders must be able to develop their skills in controlled, yet realistic settings, and continuously update them through ongoing training activities. Periodic refresher courses for fire fighters must be a staple of any training program.

Yet, as absurd as it may seem, in too many places training is considered a luxury that fire departments cannot afford. In Battle Creek, Michigan, due to budget cut-backs, the city is down to only **ONE** Training Officer. At the very

least, there ought to be two Training Officers. As a consequence, vital fire fighter training is being delayed or canceled.

In other localities, fire fighters are not trained on the standard operating procedure for using radios. Radios are just handed to fire fighters and it is assumed that they know how, when, and where to use them. Since there are no formalized protocols, there is a tendency in the fire service to make up or incorrectly use radio jargon which adds to the confusion during emergencies. And confusion kills when fighting fires.

We don't need to look far to witness fire fighters receiving inadequate training. Right here in our nation's capital, Washington, D. C. fire fighters do not have a training facility to conduct live fire training. They must either go to another jurisdiction or, in more cases than not, simply go without live fire drill training. The D.C. Training Facility had a multi-room, multi-level structure that used to simulate a burning building. However, due to decades of neglect, the training facility literally fell apart. The dilapidated training facility was condemned and forced to close in 1993. It reopened its doors in 1997, not as a live fire drill facility, but as a drill facility used to simulate collapsed buildings.

Hazmat Training--Beyond the basic fire fighting training discussed above, there is a desperate need for hazardous materials training. There are more than a million hazmat incidents annually in the United States. More than 2,000 fire fighters suffer toxic exposure injuries each year responding to these incidents.

Training protects fire fighters, but many places have poor (or no) hazmat training. In Texas, places like Corpus Christi, Beaumont, and Galveston County, home to refineries and factories of giant petrochemical companies like Union Carbide, Amoco, and Goodyear Chemical, the training fire fighters are getting focuses primarily on structural fire fighting and only lightly touches upon hazmat response. Given that a state like Texas, which is well aware of the dangers associated with hazmat incidents, is lax with its hazmat training, it will come to as no surprise to the members of this committee that all across our nation, from New York to California, and from Maine to Florida, hazmat training is woefully deficient. This is the case despite an existing federal regulation that requires annual hazmat training.

Personal Protective Equipment--Personal protective equipment (PPE) is the **ESSENTIAL** gear that keep fire fighters alive when they are battling a fire. PPE generally refers to turnout gear and self-contained breathing apparatus (SCBA). Turnout gear is the specially engineered, thermally insulated coat, trousers, helmet, gloves, and boots fire fighters wear to protect them from the heat. SCBA is the air tank that provides the oxygen fire fighters breathe when they enter burning buildings.

Unfortunately, in many departments throughout the country, fire fighters are unnecessarily risking their lives because their PPE is worn-out, defective, or missing. Limited budgets force fire departments to make tough choices. In many instances, PPE ends up on the short end of the budget. As one fire fighter in Wisconsin wrote: *"There is ALWAYS a higher priority and there is NEVER enough money. I have been scheduled for a new set of turnout gear for three years now and recently have been told there is no longer enough money in the budget to purchase this gear for myself as well as other fire fighters."*

Given that fire fighters don't even have one adequate turnout gear set, it is not surprising that **VERY** few fire departments can afford to comply with NFPA's requirement for a second set of PPE to be used when the primary gear is unavailable during repairs, decontamination or replacement.

Data on SCBAs are equally appalling. To put it simply, there are not enough SCBA units or not enough well-maintained units for every fire fighter. A preliminary survey of SCBAs in rural fire departments found that they did not even have enough SCBAs to comply with OSHA's 2-in/2-out regulation. For a fire department to meet 2-in/2-out, the first responding unit should have at least four fire fighters. Correspondingly, there must be four SCBAs. However, the survey found that, on average, rural fire departments had less than four SCBAs. This is absolutely

unacceptable.

The tragic deaths of two Memphis fire fighters in 1994 illustrate the dangers of not properly maintaining SCBAs. During a high rise incident, two courageous fire fighters died, due in part to SCBA failure. When NIOSH investigated the deaths, it found one of the SCBAs leaked precious air during the incident. NIOSH tested four other SCBAs in the department. All four failed NIOSH performance tests. NIOSH reported that the department's maintenance program was deficient and one of the conclusions reached was that the deaths could have been prevented if the Memphis Fire Department had implemented an adequate respirator maintenance program.

The bottom line is that there is a shortage of basic PPE and other essential equipment in fire departments across the nation. This endangers fire fighters' lives. Fire fighting is a dangerous enough profession without fire fighters using defective and outdated equipment. We need to support fire fighters so they have the peace of mind knowing that they have well-maintained quality equipment that allows them to perform their jobs safely and effectively.

Facilities--While it is easy to identify emergency incidents as potential hazards, fire fighters face unsafe working environments in the places where they live and work. Diesel fumes in stations are a major concern in the fire service. Many of the individual components of diesel exhaust are known to have toxic effects. Evidence strongly suggests that there is an association between occupational exposure to diesel exhaust and cancer.

While limited diesel fume exposure is bad enough, fire fighters are on duty in 24 hour shifts which compounds their exposure. A NIOSH study found that when diesel-powered apparatus leaves or returns to a fire station, diesel exhaust gets trapped in the station, which infiltrates into the living quarters. NIOSH, OSHA, and the NFPA have recognized that this danger must be mitigated and recommended engineering controls, such as engine exhaust filters and ventilation systems.

However, as with other problems we highlighted, these engineering controls cost money--money fire departments do not have.

Communications--On-scene communications are essential to protect lives. Far too many fire departments have woefully inadequate communications systems. A significant problem with communications is "dead-space." Dead space refers to the interruption in communications when radio signals are disrupted or blocked from reaching the intended receiver. We laypeople experience this with cell phones when our conversations fade out as the cell phone enters a building or other enclosed structures. The effect is that there are gaps in the conversation or the call is disconnected altogether.

For fire fighters, communications are constantly disrupted when they enter most buildings. It is common for fire fighters to lose radio contact with other fire fighters who are only a floor away in the same building. There are even instances where communication was lost when fire fighters entered different rooms on the same floor.

The only way to correct dead space is to have enough transmitting/ receiving antennas so the power of radio signals stays consistently high throughout the jurisdiction without peaks and valleys. Needless to say, many places do not have enough of these transmitting/receiving antennas nor the funds to build them.

Additionally, the radios themselves are poorly designed for use in the fire service. When fire fighters respond to fires, standard operating procedure requires them to wear their face piece and use the SCBA. Unfortunately, face pieces do not typically come with a radio microphone. Thus, fire fighters must use a microphone on a cord or bring the actual radio near their face and either shout through the face piece or remove the face piece to communicate. Beyond that, the radios were not designed for operation with PPE. The knobs and dials are too small to be handled when wearing protective gloves and are impossible to read or manipulate in the dark.

What is truly sad about the state of communications in the fire service is that many of you here today, with our state

of art telecommunications devices, have better communications equipment than most fire fighters have when they enter a burning building to fight a fire or search for a trapped victim. This must change.

Wellness/Fitness--Because the emergencies that fire fighters respond to dictate the kind of environment in which they work, the IAFF has long recognized the need and value of establishing Wellness/Fitness programs in every fire department. A Wellness/Fitness program reduces injuries by emphasizing physical conditioning and maintaining fire fighters' flexibility and strength. This allows fire fighters to adapt to their environment and exert themselves without injury during emergency operations.

We know that good Wellness/Fitness programs reduce injuries and save lives. However, less than one percent of fire departments have implemented a Wellness/Fitness program. The reason for the poor involvement is not that fire fighters don't see the value in the Wellness/ Fitness program. The main reason for more than 99 percent of fire departments not having a Wellness/Fitness program is money.

There is a saying in the fire service: "If you hire good people, provide them with training and equipment, maintain their fitness and health, then you'll have capable fire fighters serving the public for at least 20 years." Unfortunately, the nation is failing to provide those things to our heroes and as a consequence we are losing experienced fire fighters to illnesses, injuries, and death.

What I've said today only begins to touch the surface of the problem that confronts the American fire service each and every day. I'm sure you appreciate the fact that the need we face has to do with basic necessities, not luxuries. We're not here today seeking money for the latest technologically advanced toys for the fire service. The FIRE Bill is needed not for missed opportunities or fancy dreams, but to fill in gaps in basic staffing, training, and equipment so that fire fighters can do their job safely and effectively.

CONCLUSION

Let me conclude by answering a question that I'm sure many in Congress have. That is, is there a federal role in the fire service? While others will address this question in more detail, let me just briefly answer yes, there **IS** a federal role in the fire service, and it's growing.

When terrorism occurs, like the bombing of the Murrah Federal Building in Oklahoma City, or when a natural disaster hits, like the earthquake in Northridge, California, no one considers events like these to be a local issue. When these events occur, there is a national response. Federal, state and local aid is sent to the location of the crisis to support local first responders.

However, federal involvement and support should not be reserved only for disasters. Due to the pressures and demands that interstate commerce places on local fire departments, federal support must be continuous. As local fire fighters and EMS personnel respond to more and more interstate terrorism and hazmat incidents, highway accidents, and with imminent shipment of spent nuclear fuel to Nevada, the argument becomes more compelling that the federal government must play a role in the fire service.

The federal government currently spends billions of dollars on education and law enforcement which are core local government responsibilities. We in the fire service merely ask that the federal government support fire fighting as you do with education and law enforcement.

The men and women of the International Association of Fire Fighters stand ready to work with you, Madam Chair, on this very important issue. I thank you for your attention to our views, and I will be happy to answer any questions you may have.

FEDERAL FUNDING DISCLOSURE STATEMENT

The International Association of Fire Fighters is proud of our hazardous materials emergency response training program, and we are pleased that the federal government is a partner in this effort.

During the past two years, the following federal agencies have provided support to our hazardous materials training program:

1999-2000

National Institute for Occupational Safety and Health (NIOSH): \$1,771,000

Environmental Protection Agency (EPA): \$550,000

Department of Energy: \$400,000

Department of Transportation: \$250,000

1998-1999

National Institute for Occupational Safety and Health (NIOSH): \$1,806,000

Environmental Protection Agency (EPA): \$550,000

Department of Energy: \$400,000

Department of Transportation: \$250,000

Details regarding all of these grants can be obtained from the International Association of Fire Fighters.

Testimony of Noreen Lucey

Before the

Oversight, Investigations, and Emergency Management Subcommittee

April 12, 2000

On the night of December 3, 1999, at 6:13 p.m. an alarm sounded to box 1438 at the Worcester Fire Department. The on duty firefighters suited up and within minutes arrived at the Worcester Cold Storage Warehouse.

Upon their arrival, the firefighters were told that homeless people were living inside of this abandoned building. My only sibling and my best friend, firefighter Jeremiah Lucey entered the building with his colleague Paul Brotherton to search for those inside who may be trapped and in serious danger. This is their duty. It is simply what they did.

There were engine and ladder companies on the roof and lower floors fighting the inferno. In a matter of minutes, the condition inside the building changed. The warehouse became engulfed in thick black smoke – inside there was zero visibility.

The Fire Chief at the scene faced a terrible decision and had to call an "all clear", evacuating the building. A head count was completed. Jerry and Paul were missing. From inside the flaming building, they communicated these words to their partners outside "MAYDAY, MAYDAY WE ARE RUNNING OUT OF AIR." When the chief responded and asked their location, they answered "WE ARE TWO FLOORS BELOW THE ROOF....WE ARE LOST". They had become disoriented.

Lieutenant Thomas Spencer and Firefighters Timothy Jackson, James Lyons, and Joseph McGuirk began the frantic search for their brothers and for mine. None of them ever returned.

Our families waited.

Seven days after the fire began, a memorial service was held for our fallen heroes. We, the families, watched as nearly forty thousand firefighters descended on Worcester to pay respect to their fallen brothers. They came from across the United States and from around the world.

That's just what they do.

The city streets were an ocean of blue. We waited.

Nine days after the fire began, it was still smoldering. We watched as our brothers knelt, sifting through ashes and rubble trying to find their lost family. Not one of them ever lost hope, no one stopped, their own grief and fatigue was pushed aside. Nine days after the fire, they completed their task. They returned their fallen brothers to us. God help and bless them....that's just what they do.

Those nine days were a lifetime. There are no words to describe the torture of that wait, but to look in the eyes of any member of these families or to see the faces of firefighters searching for their brothers is enough. The world watched and grieved with us.

We have become members of a new family, not of our choosing. There are members of our new family all over the country, and indeed the world. The bond we share is the loss of one our beloved family in the line of duty.

In 1999 alone, 12 firefighters were killed doing the job they loved. They are an extraordinary group that share a calling, the ability to put their own safety aside to save life and property. That's just what they do.

Throughout my brother's professional fire fighting career and my professional nursing career, we would often discuss the obligation we have to care for others. We could only surmise that we were the product of our parents....Irish immigrants who came to America for a better life. They taught us to give back to our community and our country.

There were many times that Jerry would talk of the lack of funding to provide for the needs of firefighters. He kept us on the newest and best technologies that were

available and how items such as a thermal imaging camera could make their jobs safer and aid them in finding victims more rapidly. Little did we know that this item could have made a difference for our six brothers.

This is why we are here today to speak to you and why this bill is so important to all Americans. There are few places you can go in this country where you will not find someone who knows or is related to a firefighter. These are the people we all turn to when we are in need. They are the first responders to any cry for help and they are the people's security. On any given day that there is a fire or emergency reported, I ask you to just watch. When a building is burning and its occupants are running to escape, the only people you will see running into it are these brave individuals, those chosen few who heard a call and answered it.

Paul Brotherton, Thomas Spencer, Timothy Jackson, James Lyons, Joseph McGuirk, and my brother, Jeremiah Lucey answered the call. The countless others who have died in the line of duty did the same...making the supreme sacrifice.

It's just what they do.

At our brother's memorial service, Senator Kennedy read a family letter dealing with death and loss. He read "...sometimes life just breaks your heart." We know of no better way to start to heal than to ask that our firefighters be provided the training, equipment, education, and staffing they desperately need to do their jobs.

We are asking your support and approval of HR 1168, the Firefighter Investment and Response Enhancement Act.

In doing so, that comfort in the ability to say "...that's just what we do."

Testimony of Frank Raffa

Before the

Oversight, Investigations, and Emergency Management Subcommittee

April 12, 2000

On Friday, December 3, 1999, Box 1438 was struck for a reported fire at the Worcester Cold Storage Warehouse. Not even in our worst nightmares could we have foreseen the tragedy that was about to occur on that cold winter night.

Before the last of the flames were finally extinguished, six of our brothers lost their lives. This was easily the worst tragedy to befall our Department in the history of its existence.

The Brothers who lost their lives – Firefighters Paul Brotherton, Jeremiah Lucey, Timothy Jackson, James "Jay" Lyons, Joseph McQuirk, and Fire Lieutenant Thomas Spencer, did so doing their jobs in the highest tradition of the fire service.

When it was reported at the scene that there were possibly two homeless people trapped in the building, firefighters Brotherton and Lucey of Rescue 1 went inside without regard for their own safety.

With conditions rapidly deteriorating and word that the two firefighters were unaccounted for, Lt. Spencer and Firefighter Jackson of Ladder 2, and Firefighters Lyons and McGuirk from Engine 3, entered the building in search of their brothers.

Firefighters do not regard themselves as heroes. These men went into that building for the sole purpose of rendering assistance to those in danger.

Unfortunately, in the end, all six of our Brothers would lose their lives performing the bravest act known to human kind.

In order to ensure that our brothers did not die in vain, we hope to make the deadly

December fire a catalyst for historic change for our nation's firefighters. While America ended the century with economic prosperity, most of our fire departments continue to operate on limited funds. Firefighters and the citizens they serve are paying the price with their lives.

HR 1168, the Firefighter Investment and Response Enhancement Act, introduced by a Congressman Bill Pascrell, a true friend of the fire services, would create a new fire grant program that allows communities to apply for grant funds. These funds could be used to purchase essential fire safety equipment, such as thermal imaging cameras.

Had our department had the grant funds to purchase this piece of equipment, the terrible loss our community and nation suffered may have been averted.

We will never forget Paul, Jeremiah, Tom, Tim, Jay, and Joseph. Their loss will always be felt in our hearts. I urge you to honor them and firefighters throughout our great nation by supporting HR 1168, the FIRE Act. It is the least we can do and one of the best ways to remember their sacrifice.