

**S. 1941, A BILL TO AMEND THE FEDERAL FIRE  
PREVENTION AND CONTROL ACT OF 1974**

---

---

**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED SIXTH CONGRESS**

**SECOND SESSION**

\_\_\_\_\_  
**JULY 25, 2000**  
\_\_\_\_\_

Printed for the use of the Committee on Commerce, Science, and Transportation



U.S. GOVERNMENT PRINTING OFFICE

83-607 PDF

WASHINGTON : 2003

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

JOHN McCAIN, Arizona, *Chairman*

TED STEVENS, Alaska	ERNEST F. HOLLINGS, South Carolina
CONRAD BURNS, Montana	DANIEL K. INOUE, Hawaii
SLADE GORTON, Washington	JOHN D. ROCKEFELLER IV, West Virginia
TRENT LOTT, Mississippi	JOHN F. KERRY, Massachusetts
KAY BAILEY HUTCHISON, Texas	JOHN B. BREAU, Louisiana
OLYMPIA J. SNOWE, Maine	RICHARD H. BRYAN, Nevada
JOHN ASHCROFT, Missouri	BYRON L. DORGAN, North Dakota
BILL FRIST, Tennessee	RON WYDEN, Oregon
SPENCER ABRAHAM, Michigan	MAX CLELAND, Georgia
SAM BROWNBAC, Kansas	

MARK BUSE, *Republican Staff Director*  
ANN CHOINIERE, *Republican General Counsel*  
KEVIN D. KAYES, *Democratic Staff Director*  
MOSES BOYD, *Democratic Chief Counsel*

## CONTENTS

---

	Page
Hearing held on July 25, 2000 .....	1
Statement of Senator McCain .....	1
Statement of Senator Hollings .....	2
Prepared statement .....	2
Statement of Senator Kerry .....	50

### WITNESSES

Dodd, Hon. Christopher J., U.S. Senator from Connecticut .....	3
DeWine, Hon. Mike, U.S. Senator from Ohio .....	7
Prepared statement .....	9
Fincher, Jr., Chief Luther L., President, International Association of Fire Chiefs (IAFC) .....	19
Prepared statement .....	21
Monihan, E. James, Former Chairman, Current Director, State of Delaware, National Volunteer Fire Council (NVFC) .....	27
Prepared statement .....	29
Pascrell, Jr., Hon. Bill, U.S. Representative from New Jersey .....	10
Prepared statement .....	12
Shields, Billy, Vice President, Professional Fire Fighters of Arizona .....	31
Prepared statement .....	33
Weldon, Hon. Curt, U.S. Representative from Pennsylvania .....	15
Whitworth, James H., Chief, Miami Township Fire & Emergency Medical Service, Clermont County .....	37
Prepared statement .....	39

### APPENDIX

DiPoli, Robert A., Chief, Needham Fire Department, Needham, Massachu- setts, prepared statement .....	66
Response to written questions submitted by Hon. John McCain to:	
Chief Luther L. Fincher, Jr. ....	57
E. James Monihan .....	58
Billy Shields .....	61
Chief James Whitworth .....	63
The Proof Is In—Thermal Imagers Save Lives! .....	67



**S. 1941, A BILL TO AMEND THE FEDERAL  
FIRE PREVENTION AND CONTROL ACT OF  
1974**

---

**TUESDAY, JULY 25, 2000**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 9:30 a.m. in room SR-253, Russell Senate Office Building, Hon. John McCain, Chairman of the Committee, presiding.

Staff members assigned to this hearing: Robert Taylor, Republican Counsel; Jean Toal Eisen, Democratic Professional Staff Member.

**OPENING STATEMENT OF HON. JOHN MCCAIN,  
U.S. SENATOR FROM ARIZONA**

The CHAIRMAN. All right. We will begin, since it is 9:30. This morning the Committee will hear testimony regarding S. 1941, the Firefighter Investment and Response Enhancement Act. I welcome my colleagues and look forward to their testimony, as well as the testimony from the members of the fire and emergency services.

I also want to thank Senators DeWine and Dodd, and House Members, including Congressman Pascrell here, for their efforts on this matter.

The fire and emergency services are central to the protection of life and property in our Nation. They are often the first to arrive on the scene of any emergency, and inevitably some are called upon to make the ultimate sacrifice in the performance of their duties.

As Chairman of this Committee and Cochairman of the Congressional Fire Service Caucus, I am committed to understanding and effectively responding to the needs of the fire and emergency services. In recent years, I have worked with the national fire organizations to ensure that valuable spectrum is available for use by the fire and emergency services, and fought to ensure that vehicles carrying dangerous chemicals are properly marked. I believe Government must take appropriate action to protect members of the fire and emergency services from injury and ensure that they have the capability to perform their duties.

As it is currently drafted, the FIRE act would create a \$5 billion grant program administered by FEMA. The grants could be used for a variety of activities, including hiring personnel, training, wellness and fitness programs, purchasing equipment, and to modify fire stations.

Due to the traditional responsibility of State and local governments for funding fire and emergency services programs and equipment, legitimate issues exist about the creation of a Federal grant program to fund local fire services. For example, are State governments unable to meet funding needs for the fire services? It is my understanding that collectively since fiscal year 1998 State governments have reported surpluses of \$35 and \$27 billion respectively for each year. Have the members of the fire services sought to use these funds and, if so, what was the response? How do we target the funds to ensure that they are directed to the neediest departments? Finally, what are the true needs of the fire services? Has a study been done to determine the unmet needs of the fire service?

I am hopeful the witnesses will be able to answer some of these questions. I look forward to hearing your testimony.

Senator Hollings.

**STATEMENT OF HON. ERNEST F. HOLLINGS,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator HOLLINGS. Thank you very much, Mr. Chairman, for calling this hearing. The United States has the worst fire record of any industrialized nation. According to a survey of nearly 1,400 professional fire departments, 77 percent of the fire departments operate with inadequate staff, 43 percent lack the necessary gear, 70 percent of the fire departments do not have adequate maintenance for their gear, 66 percent need better communications, and 66 percent lack training.

Last August I was unfortunately subject to these very statistics. I had to wait one hour for my house to catch fire. It started down the street three doors, and across the street, and the equipment came but the manpower did not. The manpower was inadequate in the sense that they did not get downwind, just upwind, and they went from one house to the other house to the next house.

Mine was the fourth one across the street to catch and had it not been for the city fire department coming some 17 miles through the City of Charleston, Mount Pleasant, and Isle of Palms, it would have burned the beach front down.

What happens is that rural areas develop into urban areas, and the urban strategy is to overwhelm. I know in the city itself, even if an automobile catches fire they send no less than 10 to 12 firefighters to overwhelm it. They cannot afford for the fire to spread, so overwhelming them is the first order of business, to make certain.

I understand that Senator Dodd is with us today. I commend the Senator from Connecticut on his leadership on this particular score, because these grants are needed all over the country.

Thank you, Mr. Chairman.

[The prepared statement of Senator Hollings follows:]

PREPARED STATEMENT OF HON. ERNEST F. HOLLINGS,  
U.S. SENATOR FROM SOUTH CAROLINA

Good morning. I want to thank Senator McCain for holding this hearing on the FIRE Act, S. 1941. I, along with 31 other Senators, am a co-sponsor of this bill which was introduced by Senators Dodd and DeWine on November 17, 1999.

The United States currently has one of the worst fire records of any country in the industrial world. More than 2 million fires are reported in the United States

every year. These fires annually result in approximately 4,000 deaths, 24,000 civilian injuries, more than \$8 billion in direct property losses, and more than \$50 billion in costs to taxpayers.

In addition, the fire service—80% of whom are volunteers—is stretching to meet its new challenges. As first responders, firefighters now can be faced not only with fires but also with medical emergencies, hazardous spills, and even acts of terrorism.

These numbers are not just statistics to me, for I know how tragic a fire hazard can be. As many of you know, I lost my home in Charleston, South Carolina, last year to fire. A lifetime of memories went up in smoke. I cannot help thinking that if the local fire departments had more support of resources, some of that loss may have been prevented. Moreover, if a program such as the one proposed by the Fire Act were in place, the Isle of Palms Fire Department they have had more efficient fire trucks, more well-trained personnel, and better communications.

But while my loss was personally devastating, I know it is nothing compared to the losses of the families involved in that great fire in Worcester, Massachusetts last year, where six firefighters died in the line of duty.

I am glad to have our other distinguished witnesses here today to tell why this Act is so important. S. 1941 would authorize \$1 billion annually through fiscal year 2005 for the Federal Emergency Management Agency to make competitive grants to fire departments for a variety of improvements including safety equipment, training, and fire prevention.

This is an extremely important matter for the Commerce Committee to examine. Thank you again, Mr. Chairman, for holding this hearing today. I hope that we will be able to send this legislation to the full Senate before the end of the session.

The CHAIRMAN. Thank you, sir. I would like to thank the Senator from Connecticut and the Senator from Ohio—

Senator HOLLINGS. From Ohio, too. Excuse me.

The CHAIRMAN. Senator DeWine, I understand you have another hearing right as we speak. Senator Dodd has graciously—

Senator DEWINE. No, Mr. Chairman, I am going to defer to my senior colleague here.

Senator HOLLINGS. Let me thank Congressman Pascrell also.

The CHAIRMAN. I will let you decide who wants to start.

**STATEMENT OF HON. CHRISTOPHER J. DODD,  
U.S. SENATOR FROM CONNECTICUT**

Senator DODD. Briefly, Mr. Chairman, we thank you immensely for the hearing this morning, and I am pleased to be joined in this effort with Mike DeWine of Ohio and with our House colleagues, Bill Pascrell and Curt Weldon.

Actually, you are going to hear from Congressman Pascrell in a minute and Curt Weldon. I do not know if Curt is coming over or not. He said he would be here, but the Congressman is a former mayor of Paterson, New Jersey, and can speak very first-hand about the difficulties of local communities, obviously, and raising the resources today to have the capacity to respond to the kinds of tragedies we see occur every single day across our country.

As we are sitting here this morning—obviously different circumstances, but we are looking at Colorado, a massive blaze, one of maybe the 10 worst fires in the history of the country, according to firefighters out there. Las Vegas hotels, where people come from all over the country, certain places there, it is becoming—toxic sites and wastes that—tragedies, accidents that occur on the interstate highways of our country, the first vehicles to respond almost invariably are fire departments, or emergency medical services, so it is a changing situation.

If we are kind of caught in a way of sort of thinking about fire departments as the old hook-and-ladder company of almost a cen-

tury ago, even the earliest part of this century, I think we can end up with one sort of set of conclusions. If you begin to see this today with the kinds of problems—with the World Trade Center situation, the first vehicles there to respond were fire vehicles, to respond to that situation, again, an incident that has international ramifications, so beyond the kind of local problems here this issue has taken on much broader questions than historically is the case.

In the case of Curt Weldon you will hear from someone who was a firefighter himself, and so can speak very personally about this issue.

Well, there are roughly a million men and women every single day who put on the equipment of firefighters across the United States, and who put their lives on the line to protect each and every one of us and our property, our valuables. More than 100 of these million people lose their lives every single year, a husband or wife, extraordinary role models.

We only recall vividly just a few months ago in Worcester, Massachusetts, where six firefighters lost their lives in that blaze, and there you had a department, by the way, that came not just from Massachusetts but from Connecticut, Rhode Island and other places, responding to that, again an example of how people responding—it is a local issue, but people came from across State lines to respond to these problems.

My job today, I would say to you, Mr. Chairman, is to try and not to describe what others can do a much better job of, and that is talking personally about their problems as the mayor, firefighters, and of course you will hear from our witnesses who very directly every day deal with these issues, but I want to try and briefly talk about this bill, explain to the Committee what I believe are the imperatives for a Federal role here, not a dominant role, not the only role, but a partnership role with local and State Governments.

America's fire service, nearly our entire emergency response system has truly grown from the grassroots up. Local needs and local resources have driven the developments of fire departments since Benjamin Franklin set up the first fire department, organized the department of Philadelphia in the late 1730's.

This history of local control has brought with it certain strengths and certain weaknesses. On the one hand, local needs are extremely well-understood, obviously. Our local firefighters know what their immediate communities need, and they know how to meet those needs as the emergency medical services do as well.

On the other hand, local departments are not necessarily well-equipped to address essentially nonlocal problems, like interstate highway accidents, airplane crashes, or acts of terrorism. Many local governments do not have the financial resources they need to meet all of the nonlocal challenges they now face as new demands are made of local fire departments. The gaps between what we expect from firefighters and the resources we are providing them is getting wider and wider, and the case of our colleague from South Carolina makes that case in his own personal situation.

The high cost of modern equipment and increased training demands make it impossible to continue to rely 100 percent on local



financing. This is especially true in small towns and poorer jurisdictions, poor neighborhoods of our larger cities.

Local firefighters are dealing with a much broader range of issues than ever before, and many of the new challenges they face have been imposed on them by the Federal Government. Every town that has an interstate highway running through it must be prepared for an accident involving hazardous materials, or has to be as ready as it can be to deal with the multicar pile-ups.

That is true for large cities and even large towns with volunteer fire departments, and small annual budgets. Every city that boasts a Federal office building or Federal courthouse or a military armory or barracks has got to be prepared to respond to an act of terrorism.

Firefighting is not just about dousing flames, it is about being on the ground and being able to respond to whatever catastrophe may occur, and that state of preparedness is one that serves all of us, not just the local populations.

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.

Departments are deferring new purchases, training, and even new hires. Many departments simply cannot buy new equipment or hire new firefighters to replace those who have been injured or have retired. Obviously, a lack of equipment, coupled with decreased manpower, places both firefighters and the public in great danger. In 1998 alone, 44,000 firefighters were injured on the job, many because they did not have the right equipment.

In fact, in Worcester, that tragedy, some of the modern equipment that would have been available to determine the intensity of the heat inside that inferno might have, in fact, saved those lives, just that kind of basic equipment, but it is expensive equipment, I might point out.

I know that there is a concern about the cost of this bill. The Chairman has made that point, and I respect that immensely, and I agree that we cannot ignore the budgetary limitations, obviously, on the Federal Government, but we also cannot use the Federal deficit, in my view, as an excuse for being blind to the obvious and pressing needs of America's fire service.

I also believe that it is not enough for us to say that the State government should pick up the slack. Not every State is running budget surpluses. In fact, we may have noticed that just in the last week a certain large State in the Southwest was reported to be in deficit, and if we believe that domestic security is important, and we believe that every American deserves to be safe in his or her home and on the highways, then our level of security should not depend on the budgetary status of the city or State where she lives, or she may happen to be traveling through.

I come from a State with a very long tradition of local control. The New England town meeting is in many ways the absolute epitome, the archetype of local self-determination, as you see throughout our six New England States. Connecticut does not have a

strong county system. Instead, we have 169 cities and towns, no county government, that are fairly autonomous, with their own budgets and direct relationships, responsibilities of providing a wide range of services, including firefighting and emergency medical services.

If anybody understands the virtue of local participation solving local problems, it is the people of the New England States, so when I talk about a new Federal partnership, it is that history and that tradition and the experience of Connecticut's towns that guides me.

Back in November, when Senator DeWine and I introduced the Senate version of the Firefighter Investment Response Enhancement Act, we did so because we recognize that local communities and their firefighters are struggling to make ends meet. This bill would authorize FEMA to make grants to local fire departments to buy the equipment they need and to hire new firefighters to eliminate dangerous understaffing.

At its core, the bill recognizes that firefighters cannot do their job safely if they do not have the men and equipment they need. Mr. Chairman, we do not ask members of our Armed Forces to go into battle without the right equipment. It would be most egregious for us to ask firefighters to battle fires or hazardous materials or bomb debris without the proper tools and training that exist today, and that are available, but are very, very costly, and we should not ask them to do it with local tax dollars when the benefits accrue to the Nation as a whole, exclusively.

The fire bill authorizes the Federal Government to provide up to \$1 billion a year to support local departments. Local fire departments will write proposals to address local needs. FEMA will evaluate each proposal and provide funding.

If every fire department in the country made a request it would be about \$32,000 per department. Now, obviously, we know that \$5 billion bill is a target. It has been pared back significantly. There is \$100 million. We are talking about an appropriation process today, so we are talking about a much smaller beginning here to try and provide some assistance to these departments.

\$1 billion, as I said, is a lot of money. There are about 31,000 local fire departments in the country, and \$32,000 to a department is not exactly going to wipe out this problem, but it could begin to develop that partnership that I talked about.

Let me conclude with one last thought, if I can. We lose almost \$9 billion annually because of fire-related property damage in this country, and worse, more than 4,000 Americans die in fires every year. Our fire death rate is second highest in the developed world, as Senator Hollings has pointed out. 660 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 can reduce these losses. 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 do not know how to reduce these losses, but because local jurisdictions have had their resources stretched to the limits in many, many cases. We cannot eliminate all the dangers that confront firefighters or the public, but we can help to ensure that firefighters

have up-to-date, safe, and reliable equipment. We have an obligation, I think, to try and do so, to be a better partner in this common struggle and battle.

With that, Mr. Chairman, I thank you.

The CHAIRMAN. Thank you.

Senator DeWine.

**STATEMENT OF HON. MIKE DEWINE,  
U.S. SENATOR FROM OHIO**

Senator DEWINE. Mr. Chairman, thank you very much. I appreciate very much you and Senator Hollings holding this hearing, and I appreciate my colleagues being here to talk about the bill that we have introduced.

Mr. Chairman, I do have a written statement which I would like to make available to the chair as part of the record.

The CHAIRMAN. Without objection.

Senator DEWINE. I would like to take the time that I have, Mr. Chairman, to try to address some of the concerns, and I think they are very legitimate concerns, that you expressed in your opening statement.

I do not know that there is anything that is more grassroots in America than our fire departments. My home state of Ohio probably is a pretty good example. We have numerous fire departments. They are at the township level many times, they are at the city level, they are at the village level.

It is grassroots, and it is grassroots also in the sense that a great number of our firemen and firewomen are volunteers. This is a great bargain that the taxpayers have received throughout my entire lifetime, and I am sure much before that. You can see the number of volunteers who go out every day and make a difference.

I have seen it in my own family. My wife's uncle and her cousins have been actively involved as volunteer firemen for many, many years, and I see the tremendous amount of time and effort that they put into this.

Mr. Chairman, my point, though, is that while the system works, it is at the local level, it is the most grassroots thing probably we have in government today, but the sad reality is that because it is grassroots, the disparity in funding is probably the greatest than in anything that we do. It is probably even more disparity than sometimes we see in our school districts.

When you look at the different fire districts, when you look at the different townships and the way it is administered across this country, there is tremendous disparity in funding. This is one place I think the Federal Government can play a limited role, and the limited role, as my colleague Senator Dodd has said, is not to supplant, or not to in any way change that great grassroots system that we have, but rather to build upon that system and to try to use these finite federal dollars to make a fundamental difference. Again, the disparity I think is very bad, and because of that great disparity we end up losing a lot of lives.

One of the things that I am proudest of about this bill is that we set aside—while we give the local departments tremendous flexibility—this is a very, very flexible bill, because all three of us believe in what happens at the local level and the ability of people

to make their own decisions, but one thing that we do in this bill that sets some direction is to say that a percentage of the money, 10 percent of the money has to be set aside for prevention.

When we look at the number of lives that are lost every year in fires, what is so disturbing is, as Senator Dodd has said, these are preventable. At least 90 percent of them are preventable. Fire is responsible for killing more Americans than all natural disasters in this country combined. Every 18 seconds a fire department responds to a fire somewhere in the United States.

In 1998, there were over 4,000 civilian nonfirefighter fire deaths, and that amounts to a civilian fire death every 130 minutes. Many of these deaths are children. As both of my colleagues know, my focus, my work in the U.S. Senate has been on children, and I know we have all had this experience. I had it several weeks ago in Ohio. I pick up a paper and read about more fire deaths. Usually they are residential, and usually they are children.

These are very preventable, and our fire departments have a great capability, if we could give them more resources, to go out into the community and help with fire detectors, help with education, help with training to literally penetrate the neighborhoods where these deaths are occurring.

In 1996, which is the last year that I have statistics for, nearly 800 children ages 14 and under died in residential fires. More than 60 percent of these children were ages 4 and under. That is who is dying. In addition, each year fires in the home injure nearly 47,000 children ages 14 and under.

So this is a limited bill, it is a targeted bill, it is a bill that I think would fundamentally make a difference and will save lives. It is also a bill, Mr. Chairman, that will pale in comparison with what we have done in the other area of law enforcement, and that is with our police.

Beginning back in the 1960's this Government, the Federal Government, has invested a tremendous amount of money in what we do with police. We are not suggesting that we replicate that, but what we are suggesting is that this relatively modest amount of money will make a fundamental difference in what happens.

My colleague, Senator Dodd, has mentioned maybe some of the other justifications for the Federal Government playing a role. Terrorism, Mr. Chairman, Senator Hollings, is going to be more and more on our mind, and the thing I think that we need to keep in mind is that no matter how well the so-called experts are who will actually come in to deal with terrorism, or to come in to deal with a toxic spill, or come in to deal with some weapon of mass destruction that is inflicted on American citizens in one area, what we have to understand is, the first people to respond are going to be the same people that go to your house or go to my house, or the first people that respond on the highway when something happens.

That is going to be the local fire department, and so they have to have this additional training, and you are seeing fire departments across this country expending a tremendous amount of money in additional training for terrorism and other, what I would call national issues, whether it is terrorism, whether it is toxic spills. These are things we want to deal with as a country, and so

clearly we have a Federal problem that our local jurisdictions are being asked already to bear a very heavy burden in expenses.

So let me just conclude, Mr. Chairman, Senator Hollings, by thanking you for your interest in this. Thank you for holding the hearing. It is, as we say, only an authorization. It will allow us to move forward and to fight the battle out, frankly with the appropriators, and to determine how much money in any given year might be appropriate.

But I think this bill sets a very good framework for which any money could be poured into, and I think it would fundamentally make a difference, it will save lives, it will save children's lives, and it is clearly the right thing to do.

I appreciate your time.

[The prepared statement of Senator DeWine follows:]

PREPARED STATEMENT OF HON. MIKE DEWINE, U.S. SENATOR FROM OHIO

Thank you Chairman McCain and Ranking Member Hollings 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 anxious to hear from the firefighters who are here today, as they will give us the most valuable perspective on the need for fire prevention education and safety training.

As you know, we are here to talk about an issue that affects all of us. That issue is fire prevention, safety, and the necessity—the absolute necessity—of providing our firefighters with the resources they need to help prevent fires, the tools necessary to fight fires, and the funds for fire prevention education programs for the public.

I cannot overstate just how important fire fighting and prevention education are to our families. Overall, fire is responsible for killing more Americans than all natural disasters *combined*! Do you realize that every 18 seconds, a fire department responds to a fire somewhere in the United States? In 1998, there were 4,035 civilian (non-firefighters) fire deaths—that amounts to a civilian fire death every 130 minutes! 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 (FIRE), while Congressman Pascrell has introduced a similar measure in the House of Representatives. Although additional bills have been introduced in both the House and Senate to address the federal funding gap, I believe 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 billion over the next five years in grants to local fire departments. 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.

Also, the grant money could be used for the purchase of equipment, like thermal-imaging cameras. These cameras are lifesaving devices used to locate firefighters and others trapped in burning buildings. These new high-tech cameras can pick up heat sources through thick smoke, walls, doors, and behind furniture to help locate and rescue those who have become lost and disoriented in burning buildings.

In Monroe, Ohio, near Cincinnati, for example, a thermal imaging camera recently helped save the lives of two firefighters, Scott Clasgens and Andrew Turner, who were trapped in a building, unable to locate an escape route through the thick black smoke of the fire. Through a fund-raising drive spear-headed by local residents, the

Monroe Fire Department received a \$15,000 thermal-imaging camera. Using the camera, firefighters/paramedics, John King and Jamie Verdin, found the missing firefighters. The equipment saved their lives.

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

The CHAIRMAN. I thank you, Senator DeWine. I thank both of our Senate colleagues for their commitment to the people of America and those valiant men and women who go out and risk their lives on a daily basis.

Congressman Pascrell, I am sorry about the longwindedness of my colleague. It is a problem we have here in the Senate, and I appreciate your patience. Please proceed. We are glad to have you.

**STATEMENT OF HON. BILL PASCRELL, JR.,  
U.S. REPRESENTATIVE FROM NEW JERSEY**

Mr. PASCRELL. Two good men, Senator. Two good men.

The CHAIRMAN. Thank you, sir.

Mr. PASCRELL. Thank you, Chairman McCain and Senator Hollings for holding the hearing.

I am proud to be the sponsor of the FIRE act in the House of Representatives, and I would also like to thank and recognize Senators Dodd and DeWine for the hard work that they have done on this subject. It is the neglected part of the public safety equation that we are addressing here, and we are addressing it to the degree that we believe the need exists, so I want to thank them both for their great testimony.

I want to state at the outset, Mr. Chairman, that this is solid legislation which recognizes the value of and the need of our Nation's firefighters by committing federal funding and resources to the brave men and women that serve our communities. To date, the FIRE act has been endorsed by 7 major fire service organizations in this Nation. We have 276 bipartisan cosponsors in the House, and in the Senate, S. 1941, 33 bipartisan cosponsors, 10 of whom are members of this Committee.

The administration has written to me expressing their support in writing. I am very encouraged that Members support this legislation for its merits, and have refused to make this a political or partisan issue. After all, firefighters do not go into a burning building and ask the inhabitants whether they are Democrats or Republicans.

The legislation provides dollars and grants for hiring personnel, purchasing new and modernized equipment, fire prevention 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 emergency medical technicians as well. EMT's have certainly been neglected throughout America.

I strongly believe that the federal role in the firefighting service can and should be increased. Current spending for fire services is

roughly \$40 million, which is dreadfully inadequate. The fire side of the public safety equation has, as I said, been neglected.

S. 1941, however, the authorizing level of funding I believe is appropriate. This funding is an investment in safety for our firefighters, and confirmation to our communities that the Federal Government will work to provide our fire service personnel with the best equipment and resources available. We are talking about 31,000-plus fire departments that are recognized. Some of them we do not even know about, I found out in my research.

And it sends the dollars directly to the departments. No State bureaucracies are involved here. We have battled that out in other issues in the Congress of the United States.

Let me also remind colleagues that the role of firefighters is expanding. There is a different face on firefighting today than there was 20 or 30 years ago. Several fire departments in this Nation reach across State, county, and city lines to assist each other with natural disasters and incidents of domestic terrorism such as in Oklahoma City.

As you know, there are two fire search and rescue units that have responded to international disasters on behalf of the United States collectively. The Miami Dade Fire and Rescue Department and the Fairfax Search and Rescue teams have traveled to several countries, including Columbia, Turkey, Mexico City, and Mozambique in order to help with disaster relief.

Natural and manmade disasters do not discriminate when and where they arise, and proudly the firefighters of the United States do not discriminate when and where they provide help. The role of our firefighters is ever-changing. It is my belief that that role that the Federal Government plays during these changes must be commensurate.

I am certain that many of us here today share a common sadness when a firefighter or law enforcement officer is struck down in the line of duty, just recently in the Capitol, not too long ago, Officer Jacob Chestnut and Detective John Gibson, and we responded to that. How sad that was.

I am all too familiar with the grief that accompanies the loss of life in the line of duty. As mayor of Paterson, New Jersey, the third largest city in New Jersey, I worked intimately with fire and police personnel to protect our city. I was always pleased to take phone calls from the men and women that serve Paterson in a law enforcement or firefighting capacity, because they would share uplifting accounts of successful rescues and relate how things were going from their perspective with me.

Unfortunately, I received a phone call 1 day that I was not prepared to take. On a freezing day in February 1991, an entire block in my city was engulfed in flame. Despite the weather conditions, the flames lasted for a day and a half. The first firefighting unit responded to the first alarm, first responders, Senator Dodd and DeWine have pointed out time and time again, and many times the last to leave.

The firefighters advanced to the basement of one of the buildings in an effort to locate the source of the inferno. The smoke was too dense. The firefighters hung on to a rope for safety, and after a while they withdrew from the basement by command, for the heat

and smoke were overwhelming. Sadly, John Nicosia, a personal friend of mine, both husband and firefighter, became disoriented, lost his way in the fire. His body was found 2 days later.

Mr. Chairman, I will never forget the feeling I had after losing that brave fireman. I thought of his family often while working on this legislation and this experience serves as my motivation.

It is time that we stop paying lip service to our firefighters at holiday parades without putting our money where our mouth is during the rest of the year. We have the opportunity to protect our men and women in firefighting service, and the time to act is now.

I am proud to be among hundreds of colleagues fighting for this legislation to be enacted this year so as to ensure that firefighters have a fighting chance, and I thank you both for hearing what I have to say.

[The prepared statement of Congressman Pascrell follows:]

PREPARED STATEMENT OF HON. BILL PASCRELL, JR.,  
U.S. REPRESENTATIVE FROM NEW JERSEY

Good morning. I would like to thank Chairman McCain and Senator Hollings for holding this hearing today on S. 1941, the Firefighter Investment and Response Enhancement Act (FIRE).

I am proud to be the sponsor of the FIRE Act in the House of Representatives, and I would also like to thank and recognize Senators Dodd and DeWine for their leadership in the Senate on this important measure. I thank you both for your kind remarks and appreciate your testimonies.

Mr. Chairman, I would like to state at the outset that this is solid legislation, which recognizes the value of and need for our Nation's firefighters by committing federal funding and resources to the brave men and women that serve our communities.

To date, the FIRE Act has been endorsed by seven major fire service organizations in the Nation, and has 276 bipartisan cosponsors in the House and, in the Senate, S. 1941 has 33 bipartisan cosponsors, 10 of whom that are on this Committee. The Administration has also written to me expressing their support.

I am very encouraged that Members support this legislation for its merits and have refused to make this a political or partisan issue. After all, fire fighters don't go into a burning building and ask the inhabitants whether they are Democrats or Republicans.

This legislation provides \$1 billion in grants for hiring personnel, purchasing 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 emergency medical technicians as well.

I believe that the federal role in the fire fighting service can and should be increased. Current spending for fire services is roughly \$40 million, which is dreadfully inadequate. In S. 1941, however, the authorizing level of funding is appropriate. This funding is an investment in safety for our fire fighters and confirmation to our communities that the federal government will work to provide our fire service personnel with the best equipment and resources available.

Furthermore, 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 to the communities in need through competitive grants, therefore bypassing potential state level red tape.

I would also like to remind my colleagues that the role of fire fighters is expanding. Several fire departments in this Nation reach across state, county and city lines to assist each other with natural disasters and incidents of domestic terrorism (i.e., Oklahoma City.) As you know, there are two fire search and rescue units that have even responded to international disaster on behalf of the United States.

Collectively, the Miami Dade Fire Rescue Department and the Fairfax County Search and Rescue teams (SAR) have traveled to several countries—including Colombia, Turkey, Mexico City and Mozambique—in order to help with disaster relief.

Natural and man made disasters do not discriminate when and where they arise; proudly, the fire fighters of the United States do not discriminate when or where they provide help.



The role of our fire fighters is ever changing, and it is my strong belief that the role that the federal government plays during these changes must be commensurate.

I am certain that many of us here today share a common sadness when a fire fighter or law enforcement officer is struck down in the line of duty. In fact, we just paid homage yesterday to two fallen heroes of the Capitol Police force, Officer Jacob J. Chestnut and Detective John Gibson.

I am all too familiar with the grief that accompanies the loss of life in the line of duty. When I was the Mayor of Paterson, New Jersey, I worked intimately with both fire and police personnel to protect our city. I was always pleased to take phone calls from the men and women that served Paterson in a law enforcement or fire fighting capacity because they would share uplifting accounts of successful rescues and relate how things were going from their perspective with me.

Unfortunately, I received a phone call one day that I was not prepared to take. On a freezing day in February 1991, an entire block in the City of Paterson was consumed by fire. Despite the weather conditions, the blaze lasted for a day and a half.

The first fire fighting unit responded to the first alarm at 7:30 a.m. The fire fighters advanced to the basement of one of the buildings in an effort to locate the source of the inferno.

The smoke was too dense, and the fire fighters hung onto a rope for safety. After a while, they withdrew from the basement by command, for the heat and smoke were overwhelming and the fire was raging. Sadly, John Nicosia, both husband and fire fighter, became disoriented and lost his way in the fire. His body was found two days later.

Mr. Chairman, I will never forget the feeling I had after losing that brave fireman. I have thought of his family often while working on this legislation, and this experience serves as my motivation.

It is time that we stop paying lip service to our fire fighters at holiday parades without putting our money where our mouth is during the rest of the year.

We have the opportunity to protect our men and women in fire fighting service, and the time to act is now. I am proud to be among hundreds of colleagues fighting for this legislation to be enacted this year, so as to ensure that fire fighters have a fighting chance.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, and I thank our colleagues for joining us today on this very important issue. I know you have to go. Senator Hollings would like to make a comment.

Senator HOLLINGS. Yes. Congressman Pascrell and each of my colleagues, you learn something after years. I got annoyed at the statement made by a senior judge years ago in my own home state who said that the public got way better government than what they paid for. I said, that was a rather arrogant statement, but I have learned over the years that this is true.

Specifically, the chairman of President Reagan's Federalism Committee, which studied the competence of personnel at the federal level, was Mr. Singh of Signal Corporation. I had lunch with him up in Nashua, New Hampshire, one day, and he said maybe about the Secretaries and the Assistant Secretaries there could be some misgivings. But down at the regular rated federal personnel, he said in the private sector they would pay them at least two times what they make working for the government, probably three and four times the amount for the work they do.

Now, firefighting, like law enforcement, like the guards at the penitentiary, and teaching, all of these public service jobs emanated from the Depression. In the early days, in the forties, when I ran one little village, the fight there was not about education or fire or taxes or anything else. If you got elected, you could hire the teachers, and the teachers did not have to have any qualifications.

Heavens above, now we all talk about training. In my day coming along, nobody at the fire department had any training. It just

was not contemplated that they would, and they have been getting along with, even today, volunteer firefighting.

I arrived in Washington in 1966. In 1968, during the assassination of Martin Luther King and Robert Kennedy, they would pull the box here in the District, and then when the fire engine came they would shoot the firemen. I found that if you get killed in the line of duty at the FBI, you had a \$50,000 death benefit, but there was nothing for the firemen, so I corrected that. I think it is now maybe up to \$100,000 or something, but I know we put it in for the federal firefighters. We put in the school out at Marjorie Webster.

But in my own personal experience, this thing extends right to the insurance companies, and I have been getting on my senior colleague here, Senator Dodd, with Travelers. They have my coverage, and they are wonderful, so I am not complaining about Travelers, but I am complaining about Travelers losing money.

If I ran that company I would cancel every policy at the town I live in. Why? For the simple reason that I found out the insurance companies years ago formulated what they called the Insurance Services Corporation over in Atlanta. They ran it for a while. Now it is private. They do the rating, and they give the policies out as according to the rating.

So I said, this cannot be rated No. 1 for this town and its size. They ought to come over and look at it, because we do not have adequate fire protection, and I do not want to get into all the details. A fire engine caught fire. Can you imagine going there to put out the fire and then obviously extending the fire?

So they were totally inadequate. I called the Insurance Services Corporation three different times and they said, no, we do not come to reevaluate unless the town asks us. Well, the town, the culprit, was not going to call, and the insurance companies still have not rerated it. I have even talked to my insurance commissioner for the State of South Carolina, and he cannot get anything done about it.

Your bill is highly important, and it makes us begin to pay attention to firefighting. Senator DeWine gives me credibility, because they would call this a liberal bill—you know, they make it a four-letter word down where I live, liberal bill. The truth of the matter is, you would think at least they could take care of fire protection at the local level.

Well, we thought that about law enforcement, and we found out once we got them spoiled at getting good law enforcement, and then having to take it over at the local level, that upgraded law enforcement. We had to do that from the federal level.

In the City of Charleston now the majority of the police department, for example, are college graduates. When I came along, no college graduate was on any police department. Those who could not get through high school were in law enforcement. Now, to be a law enforcement officer you have got to be sophisticated, diplomatic, careful, sensitive, and all of these other things, as well as tough, and the same goes with firefighting.

You just cannot get any podunk off the street and say, come on, let us fight the fire. They have got to have training, expertise, and everything else. They have got to have cars, and we are lucky we are getting by. We get way better fire protection than what the

people are paying for, and your little initiative here will begin to upgrade this last tail end of the whip of public service. Everybody thought in my day if you could not get a job anywhere, go on down to the volunteer fire department. At least they cooked meals down there and you would get something to eat. And that is what you and I are having to pick up for.

Through all of this I am trying to emphasize the importance of this initiative. It is not just finding some fellas to fight fires—and they do vote. I go around to the fire department first.

[Laughter.]

Senator HOLLINGS. But it is not just to get the votes, it is really to get the proper protection that we are enjoying here at the federal level. Now, we pay them, and they get a benefit and everything else of that kind.

I apologize, Mr. Chairman, for that side remark, but it has got to be emphasized. I have studied firefighting from the word go, and these folks are on target.

The CHAIRMAN. Thank you, Senator Hollings, and all of us I think appreciate the incredible loss that you experienced, irreplaceable objects, not only the trauma that your family experienced, but your commitment on this issue certainly predates your personal tragedy that you experienced.

I would ask my other three colleagues if they have any response to Senator Hollings' comments before—actually, Weldon is here. Senator Dodd and Senator DeWine and Congressman Pascrell, I know you have other commitments, and we will send you a copy of Congressman Weldon's remarks.

Senator DODD. Thank you.

Senator DEWINE. Thank you, Mr. Chairman. He says he can handle you guys alone.

The CHAIRMAN. There you go. Knowing Congressman Weldon, he can handle a lot of us.

[Laughter.]

The CHAIRMAN. Thank you.

**STATEMENT OF HON. CURT WELDON,  
U.S. REPRESENTATIVE FROM PENNSYLVANIA**

Mr. WELDON. Thank you, Mr. Chairman and Senator Hollings for allowing me to join your company, because you have been tireless advocates for the men and women of the American fire service.

Senator McCain, you were one of our original cochairs of the Fire Caucus when I started with fire safety issues 12 years ago after coming to Congress, and you have been with us for some tough battles, and I could not be here without acknowledging for the record what you did to help us in the struggle for the 24 MHz spectrum range. You went to the wall for public safety in this country when almost everyone else was against you, and because of that effort we now have the opportunity to provide additional frequency allocation for the men and women of the fire service across the country.

I would also be remiss if I did not mention it was you who helped us deny the agricultural industry an exemption for transporting hazardous materials without proper placarding, again a key issue for the fire and the EMS community nationwide, so I come here in

tribute to the work that you have done, and ask you to help us as we move to another level in this battle.

As you know, Senator McCain, I would not be in politics were it not for the fire service. I was born and raised in a fire service family, became the president and fire chief of my local company, went back and got a degree in fire protection, and ran the county training department as a volunteer for 80 fire companies, 2 career and 78 volunteer companies.

I am a member of the fire service first. I am a politician and a Republican politician second, and as you know from attending our dinners and from the work that we have done together, I have been convinced that neither party has addressed the concerns of these brave heroes.

As a fellow member on the House side of the Armed Services Committee, I share your concerns for our military, and you have been a tireless advocate for those issues, and I have applauded you for that publicly. In fact, I consider them our international defenders and, like you, I do not want to ever see our military be asked to go into harm's way without proper protection and training, and we take every life to the nth degree in terms of protecting them with technology, equipment, and so forth.

Well, today we are talking about our domestic defenders. As the corollary to our international defenders, these are the men and women who do not just fight fires. As you know, there are 32,000 departments across the country, 85 percent of which are volunteer. Every day of the week, since long before this country was a country, 230-some years ago, when the fire service was born, it has been responding to every disaster.

It is the first responder on fires, tornadoes, earthquakes, floods, hazmat incidents, any type of disaster America has. It is not the National Guard there first. It is not the Marine Corps teams, it is not the FEMA bureaucrat, and it is not the State officials. It is the men and women who serve in those 32,000 departments.

And in fact, we have been giving them more and more responsibility as we see the need to prepare for the consequence management that will come from the potential use of a weapon of mass destruction.

Now, in the history of this country we have seen fit at the federal level to help other people respond to disasters like our police. Our current federal appropriations are in the neighborhood of \$4 billion a year. We even pay for half the cost of the police vest for local police to be protected against bullets that might injure or kill them. We help them buy police cars, we help them pay for detectives. Unfortunately, the amount of money that we spend on the fire and EMS community, in spite of the increased support that they need for dealing with weapons of mass destruction or terrorism, is basically nonexistent.

Now, we have plussed-up money. That money has largely gone to the Justice Department for use for training, but the fire service again is not directly benefiting from the allocation of those dollars. What we are saying is, it is time that we respond to America's domestic defenders to give them additional resources to continue to do what they have been doing.

We do not want to take those volunteers and stop them from volunteering. We want to stop them from having to have chicken dinners and tag days to pay for that \$750,000 ladder truck. We want them to focus more on training while we assist them with the tools they need to continue to volunteer to serve our towns and our counties and our cities, and that is why it is important that we look toward some Federal assistance.

Now, there is legislation out there to do that. Mr. Pascrell has a bill, which I have cosponsored, that will do that. There are other bills dealing with hepatitis C, for instance, that Bob Brady has introduced, other bills that have been introduced, but the important point is, Senator, that I think we need to have the Federal Government look to provide some support.

For all these disasters we have suffered we are willing to put billions of dollars to help communities respond to disasters. We are willing to put billions of dollars to help the military respond, for the equipment they have used, but we have not put a dime onto the table to help the firefighters replace the equipment that they have used, to help the firefighters recruit new volunteers, to help the career fire departments obtain additional capacity in terms of their support. It has been the one group that we have neglected.

And what really offends me is, there is no other group in the country, except for police and the military, where each year 100 of them are killed. We do not lose 100 teachers, and I am a teacher by profession. There are not 100 teachers each year killed teaching school. There are not 100 Red Cross volunteers—and I support the Red Cross—killed.

Every year at Emmitsburg we honor over 100 men and women who are killed each year in protecting their towns and their cities, and yet this group of people, who are largely volunteer, and who are killed in the course of their volunteer activities, we have done little to nothing in terms of responding to their needs.

It is time we step up and take care of these people. It is time we provide some limited resources. I wish we could take some of that money that we give to DOD or the Justice Department and earmark it directly for local fire departments, because while some of our attempts are well-intentioned, what ends up happening, the Federal and the State bureaucracies siphon off that money. They get the bucks. They hire more bureaucrats, but the dollars do not end up down where they should, and that is down with the local fire and EMS departments. We need to change that.

Now, the second thing I want to acknowledge, Mr. Chairman, is, we do not need to create legislation that is hollow. As a member of the fire service, what I tell the firefighters all the time is, I do not want to pass a bill, come back and have a press conference in front of your groups and say, well, aren't we great, we have passed a multibillion bill but no appropriation. That happened with the rural volunteer fire protection program. Since I have been in Congress, over a decade, the Congress has, in fact, reauthorized time and again the rural fire protection program. We have never fully funded that program.

So the one meager attempt we had to assist firefighters across the country has never been fully appropriated by the Congress, and so I want to be careful that in my statement to this Committee,

that I am not just for passing authorizing legislation. I want to put the money on the table, where the rubber meets the road.

Now, in the House emergency supplemental bill I offered an amendment, which was bipartisan, which only 28 Members opposed, to allocate \$100 million for the fire and EMS community this year.

Senator Roth is championing that cause on the Senate side. If we could get your support to move that \$100 million, that would be real money this year.

Second to that, and equally important, is the need to create ongoing programs to provide support for the fire and EMS community in America, such as the Pascrell bill, and such as other legislation that is being proposed by other Members.

We need to take this group of people seriously. The fire service does not want itself federalized. They do not want some big bureaucracy siphoning off money. They simply want to be recognized for who they are, the people who are the heart and soul of America, the people who are the core of our communities, who do not just fight the fires, as I mentioned.

You go to every town in Arizona, Mr. Chairman, you know, and I have been throughout your State, in the local fire departments that is where you vote on Election Day. It is where you have the July Fourth parades emanate from, the Memorial Day celebrations. It is where the Boy Scout and Girl Scout troops meet. In almost every town in America, the fire service is the heart of the community.

When a kid is lost, they call the fire department. When the cat is in the tree, they call the fire department. When the cellars need to be pumped out, they call the fire department. This group of people, who has the original spirit of America more than any other group I can think of, except for perhaps our military, needs to be recognized. That recognition should come with a Federal program to support their efforts, the needs they have, the training they have, and the resources that they need so desperately.

Thank you.

The CHAIRMAN. Thank you very much, Congressman Weldon, and thank you for your lifelong advocacy for fire safety.

Just out of curiosity, is it not true that the Fire Safety Caucus is the largest in the Congress?

Mr. WELDON. It is, with your help early on. Actually, one of the original cochairs with you was Vice President Al Gore. We have been for the last 12 years the largest caucus in the Congress. As you know, we meet every year. We honored you last year with our highest award because of your advocacy for fire and life safety issues, and we value and treasure your leadership. It has been untiring.

You and Senator Bryan, when you both were originally on the Committee overseeing the U.S. Fire Administration, fought back Republican attempts to zero out that agency, and helped us win the battle against our own party to make sure the fire service was properly given the support that it needed at that time.

The CHAIRMAN. Well, I thank you, Congressman Weldon, for your kind remarks. The fact is, you were the leader in all of those efforts and I appreciate your modesty. The fact is, we know where the

credit goes, and that is to you and Congressman Pascrell, so I want to thank you all for being here this morning, and thank you for your time. I thank you for your commitment. Thank you very much.

Mr. WELDON. Thank you.

The CHAIRMAN. Could I ask for the next panel, which is Chief Luther Fincher, president of the International Association of Fire Chiefs, Mr. James Monihan, former chairman of the National Volunteer Fire Council, Mr. Billy Shields, vice president, Professional Fire Fighters of Arizona, and Chief James Whitworth of the Miami Township Fire and Emergency Service. Could I thank all of you for being here, and we will begin with you, Chief Fincher.

**STATEMENT OF CHIEF LUTHER L. FINCHER, JR., PRESIDENT,  
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC)**

Mr. FINCHER. Mr. Chairman and members of the Committee, I am Luther Fincher, chairman of the Charlotte, North Carolina Fire Department. I am appearing today as president of the International Association of Fire Chiefs. I have three goals today. First, I want to ensure that the Committee understands the increasing scope and responsibilities of today's fire service. It does much more than put out fires and provide emergency medical care.

Second, and most importantly, I want to ask you to change your view and see the fire service in a new light. The fire service is organized locally so it can respond to individual needs and threats within each community. However, local fire services collectively carry out one of the most important national missions. They protect and defend our Nation's critical infrastructure, the people, the places, and the things that allow our economy, our country, even our way of life to function every day.

Third, I want to ask the Federal Government to assign the fire and emergency services the same priority attention that it does to the other essential national resources that make this country what it is today and will be tomorrow.

The total of today's public fire service is estimated at more than 30,000 fire departments, with approximately 1.1 million members. Today's fire and emergency services have evolved beyond putting out fires. They have become an all-hazard risk management organization. Even today's fires have radically changed.

While technology has improved firefighter safety, new materials and chemicals come to market constantly posing greater threats than ever before. As communities expand, urban wildland fires threaten more and more populated areas. Then there is the example of joint response with law enforcement to shut down clandestine drug labs containing potential explosive materials.

In larger communities and many smaller ones, the fire service responds to more calls involving emergency medical care than all other types of incidents, often providing the highest level emergency treatment available outside the hospital. This standard of care is constantly rising, and posing new challenges. The fire service ambulances transport the majority of patients going to our Nation's emergency departments. Here, too, the fire service faces numerous risks, ranging from infectious diseases to violent and dangerous patients.

An important mission is our response to a growing number of incidents that require highly specialized rescue skills and equipment. The fire service is there when the child is trapped in the well, or struggles in swift-moving water. The fire service acts to bring the injured construction worker safely to the ground, digs through the collapsed trench or building, and enters the confined space of an industrial tank when the person cleaning it is overcome and collapses, and the fire service extricates injured persons from automobile accidents on America's roads and highways every hour of every day.

We deal with all natural disasters. The fire service is there when nature strikes as well. We were there with the California earthquakes, when the great Mississippi River flooded, and when Hurricane Andrew and Hugo blew through our communities. The fire service was there, too, when Hurricane Floyd devastated my home State of North Carolina.

Terrorism is another role. Natural disasters are not the only unpredictable threat, though. The fire service skills continue to be challenged by the terrorist who seeks to destroy the lives of others. These skills were put to the test when brave men and women were organized within local fire departments to respond to the Federal building disaster in Oklahoma City, as FEMA supported urban search and rescue teams.

However, the terrorist threat does not always come from a bomb made of fertilizer. Today, it may be a device containing a nuclear, biological, or chemical weapon. The fire service has to be ready for that, too. Our very freedom is at stake if we cannot respond.

Our safety is paramount. We do not choose when to respond. We must respond every time a call for help is made. It is impossible to eliminate all risk from the wide variety of dangers we face. Given this challenge, the fire service is obligated to take all reasonable steps to train and equip our personnel so that they can operate as safely as possible. We have to be the solutions to our customers' problems.

The fire service is critical to our Nation's infrastructure. Fire departments are organized within their communities, allowing them to adapt to specific local needs and threats. However, what binds this Nation's fire service together into a single resource is our national mission, to protect the human and physical treasures that allow the economy to run and this country to thrive.

For instance, enormous quantities of hazardous materials travel the interstates, on railroad tracks, and through the air, and on the water every day. Without the Nation's fire service standing by, our citizens would not have the peace of mind to allow this transport and commerce to take place.

Our role in protecting commerce also extends to the buildings and workers who carry out the electronic communications and financial business fueling our Nation's economic growth. The fire service must be a high priority.

Three years ago, the Presidential Commission on Protection of the Critical Infrastructure identified the fire service as integral to the protection of our Nation's vital infrastructure. Therefore, it must be assigned the same priority given to other essential compo-



nents that make up the very fabric of our Nation. We are truly America's domestic defenders.

In closing, a final thought. S. 1941 contains a provision that not less than 10 percent of the total funds available will be set aside exclusively for fire prevention programs. We respectfully suggest that individual fire departments be given the latitude to use Federal grant funds to respond to their own more urgent needs, instead of a blanket Federal directive that may not meet local requirements. In this regard, we support the House version without the 10-percent set-aside.

Mr. Chairman, we thank you for holding this hearing today, and I am available to respond to questions.

[The prepared statement of Mr. Fincher follows:]

PREPARED STATEMENT OF CHIEF LUTHER L. FINCHER, JR., PRESIDENT,  
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC)

Mister Chairman, and members of the Committee, 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 Senate Committee on Commerce, Science and Transportation in support of S. 1941, the Firefighter Investment and Response Enhancement (FIRE) Act authored by Senators DeWine and Dodd. We have previously testified in the House of Representatives in strong support of HR 1168, a measure similar to the Senate bill.

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. 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
2. Emergency Medical and Rescue Services
3. Hazard Control and Risk Abatement
4. Fire Prevention and Public Education
5. 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 excep-

tional 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 U.S. 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. In the meantime, the program will be turned over to the Department of Justice for management on October 1, 2000. 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 and equipment. 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. This is particularly true in the instances of response to hazardous materials incidents.

#### **ICHIEFS Calls for Federal Grant Program**

Mister 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 Committee. I am prepared to answer any questions which you or the members of your Committee may have.

The CHAIRMAN. Thank you very much, Chief Fincher.  
Mr. Monihan.

**STATEMENT OF E. JAMES MONIHAN, FORMER CHAIRMAN,  
CURRENT DIRECTOR, STATE OF DELAWARE, NATIONAL VOL-  
UNTEER FIRE COUNCIL (NVFC)**

Mr. MONIHAN. Good morning, Mr. McCain and Mr. Kerry. I am James Monihan, former Chairman of the National Volunteer Fire Council, and now serve as its Director representing the State of Delaware. I am also a firefighter in Lewes, Delaware Fire Department with 43 years service, and continue to respond to alarms.

During my career, I have had experience in all facets of the life of fire and EMS personnel, from firefighting and all types of rescue, through hazardous materials, the ambulance service and, yes, the cat in a tree. The volunteer service also has a unique facet, that of administration, since firefighters in the volunteer service are the department.

The entire fire service needs your help, and it is a distinct privilege to be here before you today to bring you our message on behalf of the National Volunteer Fire Council. It is the voice of the 850,000 men and women who staff some 28,000 volunteer departments in every state of the Union. There is no doubt that we need financial assistance and, believe me, I have experience in the last 43 years of asking for it. I have gone door-to-door. I have spent Saturday afternoons sitting by a collection can next to an ambulance in a shopping center, and I have seen other volunteers pass collection boots at traffic lights while it is red.

In fact, we had a department who did not have a traffic light, so they stopped traffic. Some people do not have a sense of humor, so they got into a little trouble, but they got the job done.

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

At the same time, the federal government is asking the fire service to respond to calls involving terrorism, hazardous materials, natural and manmade disasters, urban and wildland interface fires. Many of these emergencies occur on federal property such as national parks, buildings, and lands.

Your investment in the fire service in this case ultimately protects the Federal property from fire losses and human tragedy. 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 the volunteer fire department.

In addition, when federal dollars are used to build new interstate highways, they usually run through small communities protected by volunteer departments. These small-town fire companies must now respond to a huge influx of auto accidents, many involving hazardous materials. They are already struggling to handle their own needs and finances, and are now forced to provide more services and receive no financial assistance for their responses.

Many rural departments operate on budgets of less than \$10,000 a year. On that small budget it is very difficult to pay for insurance premiums, buy fuel, and upkeep of equipment, much less buy new equipment. These departments often are using fire trucks from the

1950's and 1960's as first response vehicles, and self-contained breathing apparatus that should have been taken out of service long ago, according to NFPA standards. It is old, but it is all they have.

An example of how a lack of equipment and training can lead to tragedy happened on April 6, 1999, when two firefighters lost their lives trying to escape a wildland fire burning outside of Morehead, Kentucky, on the edge of the Daniel Boone National Forest.

Subsequently, specialists from the National Institute of Occupational Safety & Health, NIOSH, investigated the incident, and they concluded that to minimize similar occurrences fire departments engaged in wildland firefighting should provide firefighters with wildland personal protective equipment. They should equip them with approved fire shelters and provide training on the proper use of the fire shelters, and we certainly agree with that.

But we are also confident that an increase in Federal funding is the only way a small department such as this could possibly purchase the equipment and provide the training needed to comply with NIOSH's recommendations.

By the way, we all fight wildland fires. The gear is costly, and unfortunately you just have to make a choice. There are departments like this in every state across this country. It is ironic that all the federal agencies and, yes, even Congress, can adopt mandates for the fire service. However, these departments are the only line of defense in those communities, and if they cannot meet those mandates and standards, what happens then?

The funding problems in America's volunteer service are not just limited to rural areas. The suburbs continue to grow, as Senator Hollings said earlier. So does the burden on the local fire and EMS departments. Even though many of these departments have the essentials, they are unable to gain access to new technologies.

At no time in our history have advances been greater in equipment to protect the firefighter and make his job easier, or her job easier—pardon me—yet because newer technology is so expensive many departments are not able to purchase it.

For instance, there are personal assisted safety signal devices that can be attached to a firefighter. The PASS will emit a loud signal if the firefighter is trapped or becomes disabled.

There are thermal imaging cameras to locate victims in smoke, global position systems which allow dispatchers to dispatch the closest fire department to the fire, fiber optic ropes that contain tiny lights to lead a firefighter as he retraces his way out of the 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, most volunteer departments are unable to take advantage of this new technology because of budget restraints. Do you have any idea how many pancake breakfasts it takes to buy a \$25,000 imaging camera? Many departments can tell you, because that is how they bought it.

These constant fundraising demands also are intertwined in every aspect of the volunteer fire and emergency services, affecting the recruitment, retention of members, and the ability to train them, because they eat up a very valuable commodity called *time*.



The volunteer fire service represents a national resource of enormous value that must be supported and nurtured. This Committee and the Senate as a whole can make great strides in supporting us through the Fire Investment and Response Enforcement, or FIRE Act.

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

Finally, we recommend that any funding that Congress provides for the fire service be handled in a manner similar to the volunteer fire assistance program. In that program, almost all the moneys appropriated go to the intended purpose in the fire service, because it is structured in a way that the funding cannot be diverted and is not eaten up with administrative fees.

Thank you for your attention. Thank you for the opportunity, and if you have any questions I would be glad to answer them.

[The prepared statement of Mr. Monihan follows:]

PREPARED STATEMENT OF E. JAMES MONIHAN, FORMER CHAIRMAN, CURRENT DIRECTOR, STATE OF DELAWARE, NATIONAL VOLUNTEER FIRE COUNCIL (NVFC)

Mr. 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 a 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 S. 1941, the Firefighter Investment and Response Enhancement (FIRE) Act. *The National Volunteer Fire Council strongly supports passage of this piece of legislation*, which currently has 32 bipartisan cosponsors in the Senate and 276 in the House. America's fire and emergency services are in need of your assistance and you, as Members of Congress, can make a difference with the necessary funding.

The NVFC represents the interests of the nation's more than 800,000 volunteer firefighters, who staff 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 in Delaware saves taxpayers more than \$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.

In addition, when federal dollars are used to build new interstate highways, they often run through small communities protected by a volunteer fire department. These small town fire companies must respond to huge influx of auto accidents, some involving hazardous materials. They are already struggling to handle their own needs and finances, and are now forced to provide more services, and receive no compensation for their responses.

Many rural departments operate on budgets of less than \$10,000 per year. On that small budget, it is very difficult for these departments to pay for insurance premiums, fuel, and upkeep of equipment, much less buy new equipment. These departments are using fire trucks from the 1950s and 60s and self-contained breathing apparatus that should have been taken out of service a long time ago according to NFPA standards. In some counties, it can take up to 40 minutes for an ambulance to arrive and 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. Some departments have only 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 is confident that an increase in federal funding is the only way a small volunteer department such as this one could purchase the equipment and provide the training needed to 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 are forced to use outdated equipment.

For instance, many firefighters can now wear an encapsulated ensemble of fire-proof 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-decibel 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 more than \$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 departments can tell you, because that's how they pay for it. These constant fundraising demands are intertwined into every aspect of volunteer fire and emergency services, affecting the recruitment of new members, the retention of existing members, and the ability to train members.

This 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 the Firefighter Investment and Response Enhancement (FIRE) Act.

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.

Mr. 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.

The CHAIRMAN. Thank you, sir. Mr. Billy Shields. Good to see you, sir. I just saw in the newspaper where we have 3 fires going on in the state of Arizona as we speak.

**STATEMENT OF BILLY SHIELDS, VICE PRESIDENT,  
PROFESSIONAL FIRE FIGHTERS OF ARIZONA**

Mr. SHIELDS. We have our hands full, sir. I want to thank you also for holding this hearing. As you know, I am a Captain in the Phoenix Fire Department. I have served on a frontline fire pumper for 21 years. I am also the Vice President of the Professional Fire Fighters of Arizona, which is an affiliate of the International Association of Fire Fighters.

I greatly appreciate this opportunity to appear before you today on behalf of the IAFF's 230,000 professional firefighters and emergency medical personnel to discuss the need for funding to protect firefighter health and safety. I would like to ask, Mr. Chairman, that you include my written comments in the record.

The CHAIRMAN. Without objection.

Mr. SHIELDS. I would like to depart from it in the context that I would like to try and address some of the concerns that you raised in your opening remarks, but first I would like to point to the fact that as the chiefs have expressed, and the panel before, is that we know there is a need today. It is not an if, and it is not a guess. We know that there is a need today, and Arizona is no exception.

Of the 51 full time professional firefighters, fire departments in Arizona, all but 6 are short in one of the essential areas of minimum staffing, apparatus, equipment maintenance or training provided to new hires. Of the firefighters that died in the line of duty last year, and the ones investigated by NIOSH, every one of those deaths were found to have correctable problems based on one of these areas.

Over half of the fire departments in Arizona frequently do not have sufficient personnel to mount a safe interior attack on a fire by OSHA standards, which is simply 4 people on the scene at the time of the entry so that 2 can go in and 2 can remain outside to monitor the building and be there to rescue the firefighters, if they

themselves get in trouble. Nearly 75 percent of the departments in Arizona do not have the money to provide new hires with the most basic training that is recommended by the National Fire Protection Administration Association.

Let me talk for a minute about specific examples. Nogales, Arizona, you know is a border community, population of 30,000 people, but the needs for service there far outstrip any jurisdiction that is that size. The daytime population of Nogales swells to 75 to 100,000 people, and they have a mutual aid agreement with Nogales, Mexico, across the border, which has a population of a half a million people.

Increasingly, Nogales is having more and more hazardous materials transported to the tune of millions of tons a year through their cities. Nogales, Arizona, only has 3 fire pumpers, each one of them is short staffed by 1 person every shift every day of the year. They have only 5 trained hazardous materials technicians for the whole city, and all of them are not on duty at one time, and their equipment is woefully short.

They do not even have the simple gauges that can test the air for signs of leaking fuel and leaking chemicals, and what equipment that they do have is carried in the back of a horse trailer pulled by a brush truck, and as the chiefs and the Congressmen before pointed out, the fire service has always been very creative and used the best that we have, but these are things I think that we are here today to talk about and that you should know.

In Flagstaff, it is a community that we all know in northern Arizona, a small community again but millions of people passing through it every day at the juncture of two interstates. People on the way to the Grand Canyon, Las Vegas or Mexico. They, too, are short staffed by a person every day and cannot afford training for their folks.

El Mirage, which is a ring community of Maricopa County, pays their firefighters on the average of \$25,000 a year, cannot even afford decent protective clothing for their firefighters to the point where their firefighters are going out and buying their own at the cost of up to a thousand dollars apiece.

Now, we can go on and on about specific examples in Arizona, but my point is it is not just Arizona, it is national, and I believe that it is a national problem. I do not believe it fully falls under the Federal government, but I believe that part of the burden does. I traveled with the urban search and rescue team from Phoenix to the Oklahoma City bombing.

Our team was on the scene within 8 hours of the explosion preparing to shore up that building for search and rescue operations and sifting through the rubble for victims, and at the end of a shift when we would leave the building and walk down the sidewalks, people of Oklahoma stood on the sidelines and offered us thanks and cookies and sandwiches and drinks of water.

No one questioned that that was an appropriate response of the Federal government, and I believe that it goes even further. I believe that the small communities are not able to provide the types of training and education, protection, and staffing that makes the firefighters themselves safe in order that they can protect their communities.

Let me address for 1 second this notion of what are state and local governments doing. I can speak to that very well because we have been working on this in Arizona for a long time. As you know, Arizona has a shared revenue form of tax collection where they share back with the cities to help support local services. The larger cities have been able to do pretty well with that, and in a few of them we have augmented it by going to the voters and asking to increase the sales tax by a tenth of a percent to support public safety, which is police and fire, the lion's share of that going to police.

I am not complaining about our services in those cities, but in Nogales the same thing was done. They passed the tenth of a percent sales tax. It is just simply not enough of a tax base there to give them an adequate fire service and response in that city. Additionally, when we approach the legislature of Arizona, we have always had to defend the shared revenue formula because in good budget years where there's surpluses, there's always a move to reduce the shared revenue formula and hold cities to a flat dollar amount rather than a percentage, so we are defending what we have there.

We are not able to ask for additional amounts, and you also know that the pressing issues of the day in Arizona have been education because of the lawsuits that the state has lost causing the equalization of school construction finance and the legislature appropriating 2 years ago \$150 million for that to find out only that that was woefully short, that the cost of school construction and equalization in Arizona is going to be closer to a billion dollars, and additionally the popular move for tax cuts.

These are the things that we face. It is not that we have not tried. These are the things we face and the real concerns, and I would submit that state by state, firefighters are working with their cities and with their legislatures to try and improve their service and try and eke out the funding that they need.

In closing, Mr. Chairman, I would just like to say that the real issue here today is the health and safety of America's firefighters and our ability to protect lives and property. All this talk about states' roles and federal roles and agencies' jurisdictions, obscures what the bill is about. Firefighters are dying. We can prove that. We can prove that there is a need, Mr. Chairman, and because the government cannot find the money to protect them, and that alone should be sufficient reason to enact S. 1941 without delay.

I thank you for your attention to our views, and I would be happy to answer any questions you may have, and I understand the firefighters in Manchester treated you to a bowl of chili, and I would like to make a standing invitation to you and your family to come to station 1 in downtown Phoenix for a green chili burro dinner.

[The prepared statement of Mr. Shields follows:]

PREPARED STATEMENT OF BILLY SHIELDS, VICE PRESIDENT,  
PROFESSIONAL FIRE FIGHTERS OF ARIZONA

#### **Introduction**

Mr. Chairman. My name is Billy Shields. I am a Captain in the Phoenix, Arizona Fire Department and the Vice President of the Professional Fire Fighters of Ari-

zona, an affiliate of the International Association of Fire Fighters. I greatly appreciate this opportunity to appear before you today on behalf of the IAFF's 230,000 professional fire fighters and emergency medical personnel to discuss the need for funding to protect fire fighter health and safety.

Mr. Chairman, each year our nation's fire fighters respond to millions of calls for help from our fellow Americans. These calls range from fires to hazardous materials incidents to search and rescue operations to emergency medical care. Every day we put our lives on the line to protect the safety and property of our fellow citizens. In the last year, more than 100 of our brothers and sisters have made the ultimate sacrifice. The job of fire fighting is the most dangerous in the world, and we accept that. But we can not accept that our safety is being recklessly and needlessly endangered because too many fire departments are unable to provide the most basic training, equipment and staffing.

Like most of my brother and sister fire fighters, I have attended too many funerals. The knowledge that many of these deaths were preventable angers me just as it ought to anger all Americans. In every one of its investigations into fire fighter fatalities, the National Institute for 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 are unable to provide these basic protections.

### **The Need**

#### **Arizona**

America's fire service is in crisis due to extreme funding shortfalls, and Arizona is no exception. Of the 51 full-time professional fire departments, all but 6 appear to be deficient in an essential area, such as minimum safe staffing levels, apparatus and equipment maintenance, and training provided to new hires.

More than half of our departments either always or frequently do not have sufficient personnel to mount a safe interior fire attack. This puts us in the position of either having to await the arrival of additional personnel or endanger the lives of the fire fighters at the scene by commencing the attack without adequate back up support.

Nearly 75% of our departments do not provide new hires with the basic level of training identified by the National Fire Protection Association (NFPA) as necessary to perform the job of a fire fighter safely and effectively. These jurisdictions lack funds for instructors, training equipment and training facilities. Throughout the state, fire fighters essentially receive on-the-job training, a situation which endangers not only the lives of the new hires but their fellow fire fighters and the public.

#### **Nogales**

Nogales is a border community of approximately 30,000, but the demands on the fire department far outstrip many comparable sized jurisdictions. An extremely busy port of entry, the daytime population swells to an estimated 75,000–100,000 people. In addition, the fire department has a mutual aid agreement with the neighboring city of Nogales, Mexico which has a population of least half a million people.

The Nogales fire department has two ladder companies, one of which is currently not in use due to lack of funding. The apparatus that is in use is over 20 years old, and in need of maintenance. The department staffs 3 engine companies, all of which run one person short every shift. The department shares one mechanic and one shop to maintain its aging apparatus with several other city departments.

Nogales is a hub for hazardous materials transport, both by rail and by truck, with millions of tons of dangerous cargo passing through the community each year—much of it crossing an international border. For example, the fire department is required to escort 40,000 pound truckloads of ammonium nitrate through the city to the border on a weekly basis.

And yet, the fire department has been able to afford the training of only five hazmat technicians. There is no dedicated hazmat unit, and the equipment is either substandard or non-existent. Hazmat equipment is carried on a horse trailer pulled by an aging brush truck.

In order to meet even bare minimum safety requirements, the fire chief of Nogales estimates the need for a minimum of 45 additional fire fighters, with at least a dozen cross-trained as hazmat technicians. Hazmat emergency response equipment, additional maintenance personnel, and various pieces of apparatus are also urgent necessities.

### **Flagstaff**

Flagstaff is a high desert community of 60,000 that sits at the junction of two interstate highways, I-40 and I-17. The fire department is responsible not only for the safety of the citizens of the community, but also the millions of travelers and commercial vehicles passing through on their way to the Grand Canyon, historic Route 66, and Mexico. In addition, the community has dealt with devastating forest fires and faced difficult rescue missions when blizzards hit the 11,000 foot peaks.

Every engine and ladder company in Flagstaff is currently running one person short every shift. At least 24 fire fighters are needed to meet minimum safe staffing levels. The community can not afford to provide new hires with basic fire fighter training.

### **Bisbee**

A once thriving mining community and now a popular tourist destination, Bisbee is a historical and cultural treasure. The aging town's charm, however, provides special challenges to its fire department. The old buildings are especially fire prone, and packed closely together on narrow, winding streets. The city's water supply system is more than a century old.

The Bisbee fire department has no Ladder truck, and does not have enough personnel for two engine companies. Most fire fighters are wearing personal protective equipment that is 9-10 years old, and little money is available for training. The city has no hazmat technicians or equipment, and can not afford to perform necessary maintenance on its aging apparatus.

### **El Mirage**

The economically challenged city of El Mirage is struggling to provide the most basic fire protection. The fire department often runs engines with only two fire fighters, and has been unable to replace defective turnout gear for its fire fighters. Some fire fighters, fearing for their own safety, have paid for a turnout ensemble out of their own pocket at a cost of over \$1000.

### **The United States**

Mr. Chairman, I wish I could tell you that Arizona was unique in this dire need for funding for fire departments. The shocking truth is, we are sadly representative of the nation.

Early this year the IAFF, which represents more than 90% of all the professional fire departments in the nation, conducted a survey of its State Associations. Twenty-two states participated in the survey, representing 1364 fire departments (54% of all IAFF Locals).

Among the survey's findings:

- 77% of fire departments operate with staffing levels below what is needed for safe fireground operations.
- 43% of fire departments are in need of additional turnout gear (i.e. coats, gloves, helmets and boots).
- 50% of fire departments are in need of additional respirators.
- 70% of fire departments do not have adequate maintenance programs for their protective gear.
- 66% of fire departments are in need of better communications equipment.
- 66% of fire departments are in need of additional training.
- 59% of fire departments have poorly ventilated fire stations which expose fire fighters to dangerous diesel fumes on a daily basis.

### **The Federal Government's Role**

I am aware of the argument that the problems I've been describing are local problems and should be addressed at the state and local level. Congress is rightfully reluctant to fund a service without assurance that states and localities are doing what they can.

But please understand, Mr. Chairman, we are not asking for the federal government to become the major—or even *a* major—funder of America's fire service. Local and state governments should continue to be the primary providers of fire service funding. But the federal government, too, has a role to play and a responsibility to shoulder its fair share of the financial burden of protecting Americans.

Every day fire departments across the nation engage in emergency response activities that are national in scope. When a terrorist kills hundreds of federal employ-

ees in Oklahoma City, or when wildland fires devastate communities in New Mexico, these are national issues. When a trailer carrying hazardous materials overturns on an interstate highway, or when border inspectors discover leaking chemicals in a rail car coming from Mexico, these are national issues. When a fire threatens a Native American reservation or hikers are injured in the Rocky Mountains, these are national issues.

Moreover, the argument that local government functions should be funded exclusively at the state and local level flies in the face of reality. The federal government spends billions of dollars every year to support such local government functions as law enforcement, education and roads. States and local governments remain the primary funders of these activities, but the federal government has long acknowledged that it, too, has an obligation to shoulder some of the responsibility.

Providing federal funding for a wide variety of local government services, while denying any support for the fire service based on the argument that it is a local responsibility is tantamount to discriminating against me because I am a fire fighter. Teachers and cops are not told "go talk to your Governor," so why should I be?

Finally, it is important to stress that we would not be asking the federal government for assistance if we did not believe that states and localities were already doing their share. Of course, I want them to do more, but it would be misleading for anyone to suggest that states and localities are apathetic to the needs of the fire service.

In Arizona, the state distributes a certain percentage of all tax receipts to localities to pay for various local services including fire protection. Realizing this was not sufficient, many communities—including Phoenix, Nogales, Tempe and Glendale—have approved the assessment of a special tax on themselves to fund public safety services. On some of the Native American reservations, a portion of the proceeds from legalized gaming has been devoted to public safety.

But this is still not enough. It is especially difficult for those of us in states such as Arizona to raise additional revenue. As you are well aware, Mr. Chairman, our state has a strong individualist tradition, that is skeptical of all forms of government. We are currently facing a ballot referendum to abolish the state income tax—which accounts for 50% of all state revenue. This will have a devastating impact on fire protection.

No, Mr. Chairman, it is not enough to say that fire protection is a state and local responsibility. The federal government has a role too, and it is past time to shoulder its share of responsibility.

### Conclusion

Allow me to end, Mr. Chairman, by going back to what this issue is really all about: the health and safety of America's true heroes, our domestic defenders, our fire fighters. All this talk about state roles and federal roles, and this agency's jurisdiction and that agency's responsibilities, obscures what this bill is all about.

Fire fighters are dying, Mr. Chairman, because the government can not find the money to protect them. That alone should be sufficient reason to enact S. 1941 without delay.

I thank you for your attention to our views, and I will be happy to answer any questions you may have.

The CHAIRMAN. You send me the invitation, and I will be there.  
Mr. SHIELDS. You have got it.

The CHAIRMAN. If you promise not to make me work out with them. In my declining years, it is not something that I look forward to, and I mean that. I am very impressed by the physical condition of your firefighters. It is quite remarkable, and I know it is very important with some of the very difficult tasks they face.

Also, again, I do not mean to sound parochial, but you represent one of the fastest growing places in America, which makes it increasingly difficult to keep up with the fires and emergencies that take place in a place that is, I believe, the fastest growing part of the United States of America, certainly the valley is and I know that has added financial burdens on the firefighting capabilities in our valley in Arizona as well as other parts of the state.

I think you made a very good point about on the border, and perhaps we ought to look at it in this legislation because the same



problem exists in San Diego, the same problem exists in parts of Texas, all across our border we have relatively small cities, and I say that, relatively, and very huge populations on the other side of the border with certainly tragically much lower standards, codes of construction, et cetera, and many times they are called upon and there is no place to help, and there is no place in the budget for that, so I think that is something that I think we would appreciate all the witnesses' input into as to how we can address that serious problem. No one is going to let a devastating fire take place just on the other side of the border without trying to assist.

Do you want to respond to that Mr. Shields, very quickly?

Mr. SHIELDS. That is the case. Senator McCain, I would like to thank you for your long and continued support of us in Arizona and nationally. But this is a problem. You have been there, you have seen the need yourself. It is amazing, especially, you know, with NAFTA and with some of the deregulations that you have got more large truck traffic coming through these border towns than you have ever had, and to the point where that is becoming a problem with the residents of the southern parts of these border states. Along with that comes the needs and the services that we have got to provide and the taxing, overtaxing, I should say, of the services that exist in those small communities. I think you have got that picture very well from your comments.

The CHAIRMAN. Well, again, you also bring up another issue, truck safety we have addressed in this Committee on several occasions. The growing, rising number of accidents, and so often our firefighters are called to the scene of one of these accidents for obvious reasons, and that is a growing problem in America as we see this dramatic increase in truck traffic, and according to National Highway Transportation Safety Board an increase in the number of accidents as well.

So we have a lot of challenges. Chief Whitworth, thank you for your patience, and thank you for being here. I would like to say I have visited your city, and it was a great pleasure to do so in my failed campaign. Please proceed.

Mr. WHITWORTH. I hope it was not because of our city.

The CHAIRMAN. It was because of the firefighters actually.

Mr. WHITWORTH. I should just leave now. Mr. Chairman, thank you very much.

The CHAIRMAN. I loved visiting and I love your state, and I am looking forward to visiting, as a matter of fact, come August. Please proceed.

Mr. WHITWORTH. As a Vice Presidential candidate, sir?

The CHAIRMAN. Oh, no. Actually as a friend of Senator DeWine's.

**STATEMENT OF JAMES H. WHITWORTH, CHIEF, MIAMI TOWNSHIP FIRE & EMERGENCY MEDICAL SERVICE, CLERMONT COUNTY**

Mr. WHITWORTH. Very good. Well, first of all, I want to thank you for having this hearing. It is a great step for us. Mr. Chairman, Members of the Committee, I am Jim Whitworth, Chief of the Miami Township Fire Emergency Medical Service, and if I might correct the record, that is in Clermont County, it is a much prettier county than Butler County.

The CHAIRMAN. Let the record show.

Mr. WHITWORTH. I have been involved in the fire service for approximately 27 years, and I am here representing Miami Township and the Ohio Fire Chiefs Association.

Miami Township is a growing suburban community located 20 miles northeast of Cincinnati. The township encompasses 32 square miles, about 34,000 residents, and is bisected by Interstate 275. The department operates from 3 stations, staffed 24 hours per day, 365 days a year. The complement of uniformed personnel is 38 career, 35 part time, and 8 volunteer. This is what constitutes a combination department as opposed to one that is all career or one that is all volunteer.

The department has made over 3,100 fire and emergency medical responses just this past year. Increasingly the fire service is the go-to agency for newly identified needs in the area of public safety. My community has been no exception in this. The last 20 to 30 years have seen rapidly increasing involvement in fire prevention, fire investigations, emergency medical care, hazardous materials, natural disaster mitigation, injury prevention, technical rescue and most recently response to acts of terrorism.

The fire department is continually asked to be the risk managers for the community and take responsibility for life, property, the environment, and the infrastructure. In 1999 FEMA director James Lee Witt appointed a commission and charged them to revisit the 1973 report, "America Burning." The commission found that, among other things, the responsibilities of today's fire departments extend well beyond the traditional fire hazard. A reasonably disaster resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service.

Crime is considered a national problem, receiving attention from the Federal government in the form of \$11 billion annually. The fire problem is not just a local one. Hazardous material releases cross community, county, and state borders. Vehicles crash and lives are lost on federal highways. Natural disasters occur without regard to government jurisdictional boundaries, and terrorists strike federal installations.

Who is risking life and limb to respond to these incidents? Your local public safety services do. The fire emergency medical services have many challenges with which to cope. Those having the most serious effect on our ability to conduct business are inadequate staffing, government regulations and national standards, the cost of apparatus, equipment, and the associated technologies, and inadequate funding.

There are many federal regulations affecting how departments operate by governing how employees are scheduled, to how the department must operate at the scene of an emergency. In 1985 the U.S. Wage and Hour Fair Labor Standards Act was imposed on fire departments covering how they may schedule personnel and pay overtime.

The Occupational Safety and Health Administration's 2-in/2-out rule which Captain Shields alluded to earlier requires that interior firefighting take place until there are 2 personnel on interior attack

hose line and 2 more on a hose line outside ready to rescue the interior crew. In addition there must be a fire ground commander and a pump operator.

Miami Township, as well as many other communities in southwest Ohio, does not have the luxury of staffing apparatus at this level. This results in either a delayed attack while waiting for additional personnel to arrive or risk being found out by OSHA.

While no one argues that this is a safer condition for those attacking the fire, in the absence of the required staffing, fire is allowed to grow, which ironically makes the building less safe for interior operations.

In addition to blood-borne pathogen and infection control regulations, OSHA's latest foray into the emergency response field is their proposed ergonomics rule. This, too, will have an impact on how a department conducts business.

The cost of fire emergency medical apparatus and equipment has steadily increased over the past 20 to 30 years. A pumper purchased in the early 1970's that cost \$40,000 now costs about \$300,000. That is a lot more pancake dinners.

An ambulance that cost \$25,000 now costs \$120,000. Technology has driven many of the changes in apparatus and equipment and continues to do so at a rapid pace.

Over the last several years the fire department has been expected to be the risk manager for their community and take responsibility for life, property, and environmental safety concerns. The service has demonstrated in most communities that they are equal to the task. However, many lack the tools to produce an effective end product or sustain the effort.

If the fire service is to continue in this wide-ranging role and they are willing and capable of doing so, the Federal government will need to provide some funding and technical support needed to address these important tasks. The FIRE Act is broad based, allowing for funding of fire prevention initiatives, equipment, stations, training, staffing, and other life safety programs. This flexibility is essential, as it will help departments tailor their programs to local needs, deal with the many federal regulations, and respond to those areas of critical infrastructure affected by disaster.

I respectfully request that you approve funding for firefighter safety and public safety programs as specified in S. 1941. The fire service has been good at making due. It is now time to fund the firefighter and life safety programs at an appropriate level. This could be the first step toward a partnership with states and local governments to improve the safety of its firefighters and our Nation's citizens. Thank you, sir.

[The prepared statement of Mr. Whitworth follows:]

PREPARED STATEMENT OF JAMES H. WHITWORTH,  
CHIEF, MIAMI TOWNSHIP FIRE & EMERGENCY MEDICAL SERVICE, CLERMONT COUNTY

### **Biography**

#### **James H. Whitworth**

I am James Whitworth, Chief of the Miami Township Fire and Emergency Medical Service. I began my career as a volunteer with the Golf Manor Fire Department in 1973 while working in industry. At the beginning of 1982 I accepted a career po-

sition with the Blue Ash Fire Department, remaining with them until 1992, at which time I accepted the Chief's position with Miami Township.

During the past twenty-seven years I have been trained and am currently serving as a Paramedic, Fire Fighter, Fire Safety Inspector, Hazardous Materials Technician, Cardiopulmonary Resuscitation Instructor, Emergency Medical Technician Instructor, Hazardous Materials Awareness Instructor, and Response to Terrorism Instructor. I have held high offices in the Life Safety Services Association of Clermont County, the Northwest Clermont County Rotary Club, the Juvenile Fire Setter Education Council of Clermont County, the Incident Management Assistance Team of Southwest Ohio, Board of Christian Education for the Trinity United Church of Christ, and elder for the Covenant Community Church.

I currently serve as president of the Greater Cincinnati Hazardous Materials Unit, first vice president of the Life Safety Services Association of Clermont County, secretary of the Rotary Club of Northwest Clermont County, member of the Clermont County Communications Advisory Board, member of the Local Emergency Planning Committee, and member of the Ohio Fire Chief's Association Legislation Committee.

#### **Miami Township, Clermont County, Ohio**

Clermont County is the western most Appalachian county in Ohio. As such, it contains a fair number of residents who are in the low-to-moderate income bracket. Miami Township is the exception in that it is rapidly transitioning from an agricultural community into an upper middle income residential community. Miami Township consists of about 32 square miles and 34,000 residents (1990 census = 33.2 Square miles and 28,199 residents). The Township is divided 80 percent residential and 20 percent commercial/retail/light industrial and is bisected by Interstate 275.

#### **Miami Township Fire and EMS**

The Miami Township Fire and Emergency Medical Service operates from three stations, making over 3,100 emergency responses annually. The department is staffed with thirty-nine (39) career (1 non-uniformed), thirty-five (35) part time, and eight (8) volunteer employees. This constitutes what is referred to as a "combination department": neither career nor volunteer. All career and most part time employees are cross-trained as both fire fighters and paramedics. Part time employees are scheduled to work on station based on their availability. Many are career employees with other suburban departments. Volunteer positions are entry level and do not require previously obtained certifications or cross training. The department furnishes their training and uniforms. The volunteers are scheduled to respond from the station, but serve without pay.

A fourth classification used to staff emergency responses, but not utilized by Miami Township, is paid-on-call personnel. They are paid either by the run or by the hour for responding from home to emergencies.

Revenues to support Miami Township's Fire and Emergency Medical Service come primarily from property taxes with a relatively small supplement derived from billing non-residents for emergency medical response. In addition, a tiny amount is available annually (about \$4 million divided among the entire state), through grants from Ohio's Emergency Medical Services Board, for training and equipment.

### **Introduction**

Increasingly the fire service is the "go to" agency for newly identified needs in the area of public safety. The last twenty to thirty years have seen rapidly increasing involvement in fire prevention, fire investigations, emergency medical care, hazardous materials, natural disaster mitigation, injury prevention, technical rescue, and, most recently, response to acts of terrorism. The fire department is continually asked to be Risk Managers for the community and take responsibility for life, property and environmental safety concerns.

In 1999, James Lee Witt, Director of the Federal Emergency Management Agency, recommissioned *America Burning*. This was in response to a finding that the "indifference with which Americans confront the subject," which was found by the 1973 Commission to be so striking continues today. According to the Commission, America today has the highest fire losses in terms of both frequency and total losses of any modern technological society.

The 1999 Commission reached two major conclusions:

1. The frequency and severity of fires in America do not result from a lack of knowledge of the causes, means of prevention or methods of suppression. *We have a fire "problem" because our nation has failed to adequately apply and fund known loss reduction strategies.* Had past recommendations of *America*

*Burning* and subsequent reports been implemented there would have been no need for this Commission. Unless those recommendations and the ones that follow are funded and implemented, the Commission's efforts will have been an exercise in futility.

*The primary responsibility for fire prevention and suppression and action with respect to other hazards dealt with by the fire services properly rests with the states and local governments. Nevertheless, a substantial role exists for the federal government in funding and technical support.*

2. The responsibilities of today's fire departments extend well beyond the traditional fire hazard. The fire service is the primary responder to almost all local hazards, protecting a community's commercial as well as human assets and firehouses are the closest connection government has to disaster-threatened neighborhoods. Firefighters, who too frequently expose themselves to unnecessary risk, and the communities they serve, would all benefit if there was the same dedication to the avoidance of loss from fires and other hazards that exists in the conduct of fire suppression and rescue operations.

*A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service.* The lack of public understanding about the fire hazard is reflected in the continued rate of loss of life and property. The efforts of local fire departments to educate children and others must intensify. Without the integrated efforts of all segments of the community, including city and county managers, mayors, architects, engineers, researchers, academics, materials producers and the insurance industry, as well as the fire service, there is little reason to expect that a proper appreciation of the critical role played by the fire service will materialize, in which case the necessary funding will continue to be lacking.

*Losses from fire at the high rate experienced in America are avoidable and should be as unacceptable as deaths and losses caused by drunk driving or deaths of children accidentally killed playing with guns.*

*The Congress should increase its involvement in fire loss prevention in America, and exercise more fully its oversight responsibilities under the 1974 Act. The Congress should also appropriate for the fire problem appropriate resources commensurate with those it provides to community policing or highway safety.*

Crime is considered a national problem receiving attention from the federal government in the form of \$11 billion, while the fire problem is considered a local and state issue receiving federal funds to support the U.S. Fire Administration at \$32 million. The problem is not just a local one: hazardous material releases cross community, county and state borders, vehicles crash and lives are lost on federal highways, natural disasters occur without regard to government jurisdictional boundaries, and terrorists strike federal installations. Who responds to these crises? The local public safety services do.



The FIRE Act is among the most important legislative initiatives offered in recent years affecting the fire service. When passed and appropriately funded the FIRE Act will enhance a department's ability to provide an all hazards approach, and not be limited to a partial solution to make America a safer place from fires, accidents and natural disasters.

The following is an attempt to provide insight into local needs that have an impact on the national issues affecting public safety.

### The Problem Defined

#### Staffing

As stated previously the fire service has become the "go to" agency for newly identified needs in the area of public safety. The last twenty to thirty years have seen rapidly increasing involvement in fire prevention, fire investigations, emergency medical care, hazardous materials, natural disaster mitigation, injury prevention, technical rescue, and, most recently, response to acts of terrorism.

Accompanying each emergency response discipline is the need for education and continual retraining to maintain skill levels. In a small combination department like Miami Township's the already limited resources are stretched even thinner. A partial solution is the formation of regional response units like the Federal Emergency Management Agency's Urban Search and Rescue Team. Miami Township is then obligated to supply far less personnel and resources than it would take to have full responsibility for a unit of this type. However, with the number of regional "teams" needed to respond to hazardous materials incidents, technical rescue incidents, fire investigations, and etc. there is still significant pressure placed on a department's resources.

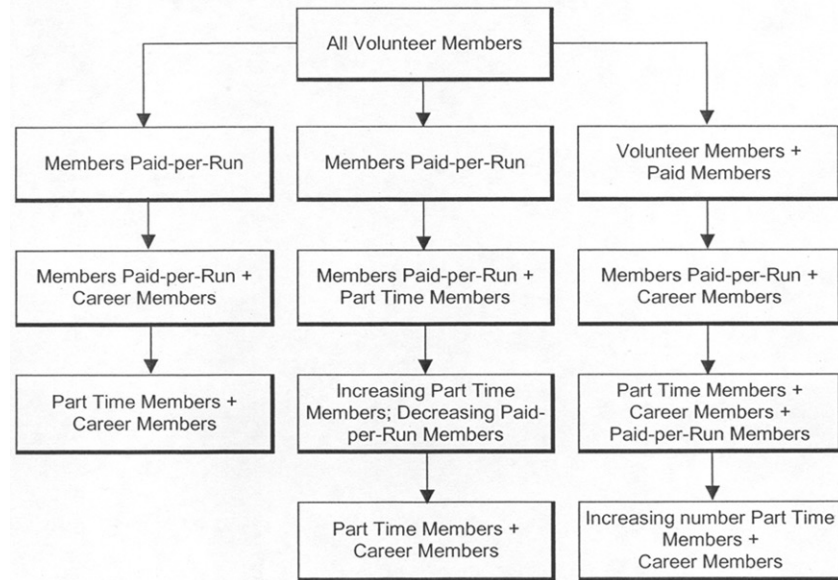
As mentioned earlier, Clermont County is an Appalachian county. Outside of the three or four western most communities Clermont County consists primarily of agricultural land and residents in the low-to-moderate income bracket. The availability of personnel with the willingness to volunteer to place their lives in danger responding to other people's emergencies, the ability to learn and achieve the necessary certifications, and the time to participate as a volunteer is limited.

In most communities the true volunteer fire fighter or emergency medical technician no longer exists. The vast majority receives some form of compensation—pay-per-call or an hourly wage—to respond to emergencies from home.

MTF & EMS Employees	1985	1999
Full Time	18	39
Part Time (on station)	1	35
Volunteer	129	8

As a rule it is more difficult to find volunteers today that have the time to do more than respond to emergencies. Consequently departments struggle with adequate staffing for emergencies as well as fire and injury prevention, hazardous materials, and technical rescue activities. The Insurance Services Office uses 7 volunteers to equal to 1 career employee. Miami Township's experience is that it takes 3-4 part time employees to equal one career employee. This has resulted in many departments transitioning to part time employees on station, and eventually moving to full time personnel.

The flow chart on the next page illustrates three distinct transition paths identified in the Southwest Ohio area by Chief Stephen Ashbrock of the Indian Hill-Madeira Joint Fire District, while working on his Master's in Public Administration.



Of those few departments who have been able to maintain a significant number of volunteer (paid-on-call) members the common statement heard is that things are “not like they used to be . . .” Today, departments must compete to hire and retain “volunteers.” The competition is among family, jobs, school, civic organizations, and neighboring departments, to name some. The increasingly technical nature of the fire fighter’s job, reflected in increased state requirements for certification for fire-fighting, and especially EMS, has been included in discussions about the decreased availability of volunteers. In addition, the changing demographics of a community, aging of the residents without an influx of younger citizens willing and able to serve, contributes to the decrease in available volunteers.

According to Chief Ashbrock’s research the following chart indicates a significant increase in Career and Part Time fire fighters while the numbers of Paid-on-Call and Volunteer fire fighters diminished.

	1985	1990	1996	% Change
Career	1065	1060	1253	118
Part Time	269	464	715	266
POC/Vol	953	764	580	-40
Totals	2287	2288	2548	111

The above numbers were derived by adding the claimed number of fire fighters on the rosters of the agencies surveyed. The total number of fire fighters, however, is suspect due to career and part time fire fighters having memberships in as many as four departments (One was found on the roster of five departments!). This phenomenon has become increasingly prevalent since about 1985 and, derived from surveys, likely involves about 15%–25% of the fire fighters locally. With the above issues in mind, Chief Ashbrock’s research indicates that there may be about 2,100 fire fighters filling the 2,548 positions. Please note that the 2,100 figure is less than the 1985 estimate of 2,287 fire fighters.

As a result the Southwest Ohio area is experiencing a wage war among departments hiring part time fire fighters and emergency medical technicians. Several of the departments are now paying an hourly wage the same as that earned by their career personnel. Some offer limited health benefits. Also, to be competitive in the

employment arena, residency requirements have been relaxed or eliminated. This impacts the ability of a department to recall its members for the "big one" and expect them to respond in a timely manner.

### **Regulations Affecting Departments**

Affecting how departments operate is the myriad of federal and state regulations governing everything from how employees are scheduled to how the department must operate at the scene of an emergency.

In Ohio, Townships may not work part time employees more than 1,500 hours unless they offer them the same health insurance program offered their full time personnel. (Municipalities are not constrained by this or a similar law.) A principal reason to hire part time personnel is to avoid the cost of fringe benefits. Since fire departments have year round, 24 hours per day needs the 1,500 hours is a limiting factor that causes the hiring of more fire fighters to fill the schedule. The costs associated with the hiring process, outfitting, scheduling and training increase in the face of this requirement.

In 1985 the U.S. Wage and Hour Fair Labor Standards Act was imposed on fire departments, especially those working their personnel on a 24 hours on/48 hours off schedule. Several amendments have refined the regulations, but one still remains that has a serious impact on countywide systems: career personnel may not volunteer during their off duty time for the same department, for that department's volunteer component. Although not a significant issue in Southwest Ohio this regulation has a serious impact on a department's ability to provide adequately staffed services in Maryland and Virginia, to name two areas of which I am aware. This situation creates staffing issues as well as having cost implications.

The Occupational Safety and Health Administration's "2-in/2-out" rule requires that no interior fire fighting take place until there are two personnel on an interior attack hose line and two more on a hose line outside ready to rescue the interior crew, if needed. In addition, there must be a fire ground commander and a pump operator. Most area departments, including Miami Township, staff their first-out apparatus with two or three personnel. That means that fire fighting is delayed until arrival of personnel from another station, or another community under a mutual assistance agreement, or the department invests in increased staffing. While no one argues that this is a safer condition for those attacking the fire, in the absence of recommended staffing the fire is allowed to grow while waiting for additional troops, which, ironically, makes the building less safe for interior operations. This is a staffing, funding, and service level issue.

On Saturday, July 15, 2000, Miami Township Fire and EMS responded to a fire in the local VFW hall. It began in the eave near the incoming power line due to an electrical short circuit. All occupants were out of the building on our arrival within 4 minutes of the alarm. Flames were showing at the eave and smoke exiting the ridge vent on the roof. Because the first responding pumper had 3 persons on board and a supervisor there were not enough personnel to affect an interior attack. The second pumper arrived about 3 minutes later and the first attack hose was advanced into the building after the rapid intervention (rescue) team was ready outside. While waiting for the rapid intervention team to arrive and assemble the fire was growing rapidly. When the attack team entered the building they had difficulty getting at the seat of the fire due to having to breach two ceilings. The fire continued to grow and by now had extended almost the entire length of the building's common attic. Within 15 minutes the roof collapsed: five minutes after evacuating all interior attack crews.

The after-action-analysis suggests that the delay in being able to attack the fire contributed to its spread and the ensuing collapse. Fire grows exponentially with each passing minute. This was both an OSHA regulation issue and a staffing issue.

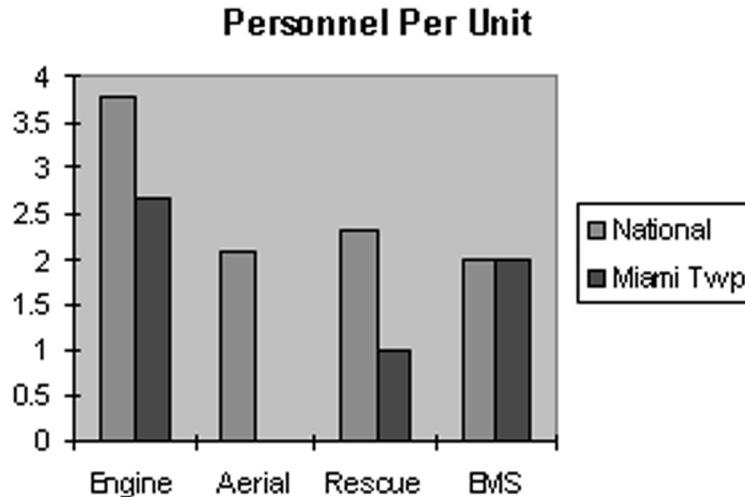
In addition, to infection control regulations, OSHA's latest foray into the emergency response field is their proposed ergonomics rule. This, too, will have an impact on how a department conducts business. The small volunteer departments that have no administrative staff will "suffer" the most under the reporting, tracking and training requirements in the proposed ergonomics rule. It will cause additional responsibilities for the already stretched one-person office in Miami Township.

There are many other federal regulations having an impact on a fire department's ability to provide services. These "unfunded mandates" create administrative and financial burdens.

The National Fire Protection Association has promulgated voluntary standards guiding fire departments in how they operate in the multiple disciplines to which they are committed. The NFPA has supported the establishment of minimum staffing per fire apparatus in recognition of studies citing improvement in extinguishing fires. A study mentioned in the International City and County Managers Association



publication *Managing Fire Services*, cites that “five-person fire suppression companies were judged to be 100 percent effective in their task performance, four-person companies 65 percent effective, and three-person companies 38 percent effective.” Miami Township affords to have one three-person company and two two-person companies. (The national average was derived from a 1994 study done by the Phoenix Fire Department and information from the International Association of Fire Chiefs.)



Although the standards are voluntary the court system has demonstrated they recognize them as “industry best practices” and holds a department accountable for non-compliance. There is little disagreement that standards are needed to help provide a consistent, effective and efficient service to the community and, many times, to protect us from ourselves. However, as with OSHA regulations, there are serious costs to comply.

#### **Cost of Equipment and Technology**

The cost of fire and emergency medical apparatus and equipment has steadily increased over the past 20–30 years. A pumper purchased in the early 1970’s that cost \$40,000 now costs about \$300,000. An ambulance purchased for \$25,000 now costs \$120,000. A defibrillator in the late 1970’s that cost \$9,500 now sells for \$16,000. Technology has driven many of the changes in apparatus and equipment and continues to do so at a rapid pace.

Miami Township Fire and EMS is faced with replacing its forty-year-old radio system with an 800-megahertz trunked radio system. Touted to be state-of-the-art it will cost the community about \$250,000–\$300,000 (assuming the system performs as advertised). This begs the question, will Miami Township receive a benefit equivalent to the cost? I believe not. However, with the Federal Communications Commission shrinking the bandwidth and reassigning the frequencies on which public safety operates there is little choice but to “bite the bullet” and make the change.

#### **Funding**

Miami Township Fire and EMS is almost exclusively funded through property taxes. However, in Ohio, property tax millage is rolled back annually to keep the dollar amount fixed for the property owner. This method does not keep pace with inflation. The six permanent tax levies passed in the 70’s and 80’s, to support Miami Township Fire and EMS, have rolled back to about 55 percent of their original millage. Unless the community is on a reasonably fast growth track this requires going back to the public every few years for increases in property taxes. The irony here is that the greater the growth the greater the impact on public safety services.

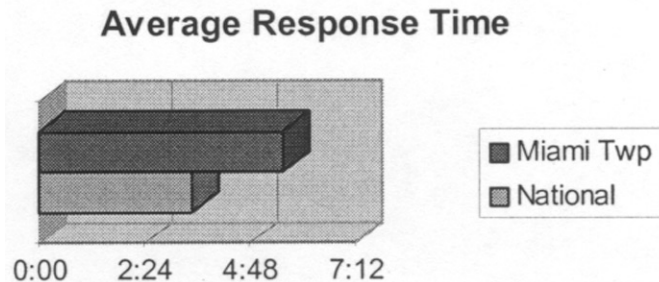
The department receives a small amount of additional revenues through billing non-residents for emergency medical responses (\$65,000 in 1999). Unfortunately, a large portion of this amount is used to offset increased costs due to local hospitals

discontinuing to restock the supplies used on patients delivered to their facility. The Health Care Financing Administration anti-kickback rule has been applied here. Representative Robert Ney has introduced HR 557 to provide a “safe harbor” for those hospitals and EMS units who participate in a restocking program. In addition, a tiny amount (\$15,500 for 2000–2001) is received by annually qualifying for training and equipment grants through the Ohio EMS Board (\$4 million for the entire state).

Ohio offers three other grant programs for its fire services through the Public Utilities Commission Office, Fire Marshal’s office and the Department of Natural Resources. Two of the programs are for communities with populations less than 10,000, and, therefore, do not apply to Miami Township. The PUCO grant targets hazardous materials training. However, if Miami Township submits an application they will be competing against the Clermont County Local Emergency Planning Committee. The Township does get benefit of the training grant through the LEPC, so it was decided not to seek the PUCO money.

### Response Times

An important benchmark for determining level of service to the community is response times. The variables having the most impact on response times are station location and career vs. volunteer/paid-on-call personnel. In Miami Township’s case the average response time is a product of station location. There are areas of the community that take up to 10 minutes to reach. (The national average was derived from a 1994 study done by the Phoenix Fire Department and information from the International Association of Fire Chiefs.) A one-year retrospective review of 13,238 incidents in Clermont County revealed an average response time of 7 minutes 59 seconds. Some of the volunteer/paid-on-call departments in Clermont County have occasional response times as long as 20 minutes.



The American Heart Association issues the only national standard that exists for response times. The AHA recommends that basic life support be delivered in less than four minutes and advanced life support in less than eight minutes.

The Insurance Services Office grades a fire department on its response to structure fires only, but does not issue a standard for performance. Nor does ISO grade any other services the department may offer.

### Summary

Over the last several years the fire department has been expected to be the Risk Manager for their community and take responsibility for life, property and environmental safety concerns. The service has demonstrated in most communities that they are equal to the task. However, many lack the tools to produce an effective end product or sustain the effort. If the Fire Service is to continue in this wide-ranging role, and they are willing and capable of doing so, the federal government will need to provide some of the funding and technical support needed to address these important tasks. This support should be appropriate and “commensurate with those it provides to community policing or highway safety,” as stated by the Commission in *America Burning*, 1999. The \$32 million provided through the U.S. Fire Administration pales in comparison to the \$11 billion funding for criminal justice programs. Ostensibly, the federal funding for criminal justice programs receives support because crime is a national problem. Local departments make responses to crashes and fires on federal highways and at federal installations. Losses due to fires affect the insurance premiums of all citizens across the country. The large losses attrib-

to fires, in terms of life and property, is not only a national problem, it is a national travesty. Our country should be embarrassed to be among the worst of the industrialized nations, especially in light of its knowledge of fire prevention, its technological capabilities, and wealth.

In addition, the FIRE Act is broad based allowing 90 percent of the proposed funding to be used for equipment, stations, staffing and other life safety programs. This flexibility is essential; as it will help local departments deal with the many federal regulations that require the expenditure of limited funds to comply with the mandates.

The FIRE Act is not a magic bullet. It will take commitment by local departments to deliver the programs, and expend the energy to make the needed improvements in service delivery. This is a cooperative venture, but hinges on the appropriate level of support from the federal government.

I ask that you approve funding for fire prevention and public safety programs at \$1 billion per year for five years. The fire service has been expert at getting by with whatever it was given. It is now time to fund life safety programs at an appropriate level. You can save countless lives, reduce suffering, and reduce property loss by supporting the FIRE Act. Send a clear message that it is no longer acceptable to ignore public welfare when it comes to fire and life safety issues. I urge you to support the FIRE Act and do what it takes to make it happen.

## Appendix

### Northeast Suburban Life

By Dave Phillips, Editor and Jason Norman, Reporter

Published: July 19, 2000

Attracting those to carry a person down a ladder from burning buildings, man the hoses and hydrants or use the jaws of life to extract a critically-injured driver from a mangled wreck is getting more and more difficult.

Some fire departments are understaffed—mostly in the part-time, supplemental area.

Local fire chiefs agree that less than a full contingent creates dangers to the residents they are paid to protect, and the firefighters themselves.

Blue Ash Fire Department Chief James Fehr said the city's department is presently understaffed.

"We're in the process of hiring three full-time people," Fehr said. He also said they're trying to hire more part time people. He said it's become harder to find part-time people.

He said most part-time firefighters work for three or four departments, hoping to latch on full time with one of them. He said one major challenge is keeping part-time workers under the maximum hours they can work. He also said, "We're using full-time people on overtime."

One of the dangers of having an understaffed department, Fehr said, is fatigue. "You create a burnout situation," Fehr said.

Montgomery Fire Chief Paul Wright faces similar problems finding part-time staffers.

"Some of our part-timers work for three or four departments. It has become almost a 'mercenary' pool, so a lot of staffers are not as loyal to one department." Getting someone to fill-in for those who call-in when not coming in to fill a shift creates major problems, Wright said.

"A lot has to do with money. A lot of people can go to work in different occupations and make as much money (as we have to offer)," Wright said. Montgomery starts its part-timers at \$9.74 per hour and then in five incremental raise steps to \$11.35.

Sycamore Township Fire Department Chief B.J. Jetter said his department is presently operating at full-staff. Jetter said his department faces the same strain of part-time staffing. "The part-time program is always an issue," Jetter said. "It's a county-wide issue."

Jetter said he won't allow his department to become understaffed. He said he feels the residents of Sycamore Township are "pretty well taken care of" in terms of fire safety.

Wright says he has a full contingent of nine full-time firefighters/paramedics and his roster of 30 part-timers is also full.

"That gives us five personnel to cover every shift 24 hours per day, seven days a week," Wright said.

The Montgomery department also gives its applicants a stiff series of three tests—written, physical and skills.

Otto Huber, assistant fire chief and chief of operations, said the Loveland-Symmes Fire Department is fully staffed with 55–50 full-time firefighters/paramedics or firefighters/EMTs and five office staff.

One of the reasons LSFDF has a full roster is that Huber, a few years ago, brought together a few chief from area departments, “to discuss like problems—especially staffing—and the Fire Chiefs Consortium was devised,” he said.

Besides sharing information with one another concerning an employee’s work history, work ethic, etc., the 10 departments that make up the organization save money sharing written and physical ability testing, background checks and medical examinations, said Huber.

Member departments are Anderson, Colerain, Delhi, Green and Sycamore townships in Hamilton County, Mason and West Chester and Union and Miami townships in Clermont County, besides Loveland-Symmes.

“When we went to 100 percent full-time, we corrected a lot of problems,” Huber said. “Mercenaries (a term used by most departments for part-timers) don’t enter into our picture anymore.”

He said that there was an economy to using a resource pool and LSFDF still uses it to fill any openings.

Huber went on to explain that all 10 departments’ staff is free to chose where they wish to work and there is some transferring.

LSFDF pays firefighter/EMTs \$21,000 to start, topping out at \$29,000. Firefighters/paramedics start at \$27,500, with the top salary at \$38,500.

Loveland-Symmes is one of only six fire departments in Ohio to achieve a Class 2 rating from the Commercial Risk Services of the Insurance Services Office and that ranking is rough to maintain—especially as far as full-staffed status is concerned. (There are only 17 Class 1 departments nationwide, none in the Buckeye State.)

This highly trained, nationally accredited department employs a staff of 55 and operates out of four stations located in strategic areas of Symmes Township and Loveland to serve 30,000 residents within 13.8 square miles.

Wright also said the reason for a shrinking pool of part-timers is that some departments are going to a 100 percent full-time department.

“Forest Park recently did away with its part-timers altogether and now has a department with all full-time staffers,” he said.

“Where we used to advertise for supplemental staff, we would get 20 or 30 applications,” Wright said. “Now we get two or three. I guess every organization that is hiring has the same problem of a shrinking pool of potential employees. It is just our society.”

The CHAIRMAN. Thank you, Chief Whitworth, thank you for being here. The FIRE Act would direct FEMA to award the grants on a competitive basis. However, the bill does not provide any specific criteria. Chief Fincher, do you believe the bill should be changed to ensure the funding would be available to the neediest departments?

Mr. FINCHER. I am sure that with input from the fire chiefs and the firefighters associations working with FEMA in developing a grant program and developing a needs assessment of the entire fire service of the United States, I trust that we could develop a program like that.

The CHAIRMAN. Are you worried if we put in a sort of a means test that states would then reduce their funding with the philosophy that the Federal government would make it up? Do you see my problem here? And I think that is why it is not in the bill as written.

Mr. FINCHER. I do not know if I understand your question exactly.

The CHAIRMAN. So we say, we write in the bill that we say it is a basis of need, that in some part of Nogales, Arizona we know the state has funded the least, so therefore the Federal grant money would go to it. Sometimes the natural reaction to legislation that

we have seen with other programs is that they then deliberately underfund, knowing that the Federal government will intercede. I will ask all of the witnesses that question.

Mr. FINCHER. Well, I would think it should work as the same thing as asset forfeiture with the police department, that no way can they reduce the budget of the police department because of how much money they get through asset forfeiture, and I think the direct grant program to the fire department is the way to make it work. FEMA should work directly with the fire department, develop a definition of what a fire department really is and develop a needs assessment which may take a year, develop that in association with these same groups here.

The CHAIRMAN. Mr. Monihan.

Mr. MONIHAN. I agree there has to be some kind of safety net, that seems to be the best. I would point out that there are some states that cannot give less. There are—I know a couple volunteer departments where after a fire they draw straws to see who is going to buy the gas to put in the truck for the next fire. Now, you cannot get much further down than that.

The CHAIRMAN. Mr. Shields.

Mr. SHIELDS. Mr. Chairman, there may be some sort of a mechanism that we can put in place that would cause successful recipients in those states if their funding were reduced afterwards that they would lose a commensurate share of the grant also, which is similar to what is done, I think, in matching fund programs for health care and that sort of thing.

The CHAIRMAN. Chief Whitworth.

Mr. WHITWORTH. Mr. Chairman, Ohio has about five grant programs right now, and most of them are targeted toward the low to moderate income communities, most of them targeted toward communities that have 10,000 people or less. That leaves the larger communities to fend for themselves. I also know that some of the smaller communities have difficulty applying for these grants because of little or no administrative staff to accomplish that. We have in our county worked with those low to moderate income communities to try to even that base, provide them the needed staff support. I know my community has contributed to that, and we will probably continue along those same lines, but it is a struggle, and as the gentleman over here said, I am not sure Ohio can fund their fire EMS at a much less rate than what they do now.

The CHAIRMAN. Mr. Monihan.

Mr. MONIHAN. Excuse me, if I may, the National Volunteer Fire Council has been advocating that as part of any sort of a grant program there be grant writing assistance provided by FEMA, or by whoever as part of the program because many of the most needy departments just do not have anybody to do the grant writing, and first of all do not have the talent, second of all do not have the time.

The CHAIRMAN. Sometimes they do not even have the information these grants are available.

Mr. MONIHAN. That is the other problem. We have a concern about a study. Now, I know some sort of a study probably has to be done, but a study would be very difficult because it would have to really cover all departments, not a statistic, as they say, a statis-

tically significant sample because there is such a wide variation across the country.

The CHAIRMAN. Well, I thank you. I thank you for all you do. I thank you for taking time from your busy schedules to be here today. Senator Kerry has been heavily involved in these issues for a long time, and we have discussed this issue and we intend to work to try to iron out any differences on both sides. This Committee works generally, in fact uniformly on a bipartisan basis, and we will look forward to working with you as we develop this legislation. Senator Kerry.

**STATEMENT OF HON. JOHN F. KERRY,  
U.S. SENATOR FROM MASSACHUSETTS**

Senator KERRY. [Presiding.] Well, Mr. Chairman, thank you very much. First of all, thank you for having this hearing, which we appreciate enormously, and thank you for your testimony, all of you. I will be very, very brief. I do not think we need to belabor this, but let me say first of all, I have been astounded to learn the degree to which on a national level there is this gap in the available resources to firefighters all across the nation. It is really quite remarkable.

In fact, I was struck that more than two million fires are reported in the United States every year, 4,000 deaths, 24,000 civilian injuries, 8 billion in direct property losses, and 50 billion in costs to taxpayers. Obviously more than 80 percent of the yearly fire deaths and injuries occur in residential fires, and there is just an enormous reluctance for local communities to either live up to the responsibilities or in some cases it is impossible for them to live up to their responsibilities. Clearly we have a federal priority in making sure that people are safe, that our communities are safe, and needless to say, most importantly, that those who put their lives on the line, they are not doing so without state-of-the-art technology, state-of-the-art ability.

We in Massachusetts regrettably learned this lesson all too starkly last year in Worcester where we lost six of our brave, courageous firefighters in a terrible situation where I think the courage of firefighters was underscored all across the nation. These firefighters went in to pull homeless people out of a building. In a more callous world, I suppose, some people might have sort of had a reservation and done a balancing of the equities, but there was none of that. People were in there, they went in. No questions asked.

But technologically there were things we might have known, things we might have done in terms of tracking. There were things we might have done in terms of rescue and so forth that we are aware of, but those technologies were not available.

Everybody expects that kind of uncommon bravery, frankly. It is almost so automatic that people expect it, and it is given, and often given by people who are volunteers, not even full time. So this legislation is very personal to me and to a lot of us in Massachusetts, as it is across the country because we lose firefighters in communities all across the country every year.

I would like to underscore, therefore, the need to try to provide this \$5 billion over a 5-year period, which I think is not asking too

much. I am proud to be a sponsor of the legislation, and I am eager to see us act on it.

Now, I was one of the principal people who—in fact, I led the fight on the floor of the U.S. Senate—to put 100,000 police officers on the streets of America. We ran into resistance from people who said, wait a minute, this is a local responsibility. The federal government should not be providing direct money that pays the salary or hires the police officer.

So we had to get over that resistance. But since that program passed in 1993, there has been an enormous reduction in crime at the national level. Americans are safer, our communities are safer, and we have really been able to help leverage behavior at the local level.

I have always viewed the FIRE Act in the same way, but let me ask you, gentlemen, each of you, because you come from different local communities and different parts of the country. Speak for a moment, if you will, to that resistance that still exists among some people here, which is why we have not been able to move this yet in prior efforts, as to what the compelling rationale is for why the Federal government ought to step in to what has traditionally been viewed as a local responsibility, and if each of you might say a word about that.

It goes to the question Chairman McCain asked when he said what happens if we supply this money, will not the states look and say, oh, well, OK, now that the Feds are supplying this we do not have to put so much in? We will put it somewhere else, how do you prevent that psychology and is this a commitment forever? How do you view this? Would each of you maybe address that, Chief Fincher, do you want to begin?

Mr. FINCHER. I would be more than happy to, sir. I do not think we are going to have the same problems that they exhibited with the police department that type of resistance, because that program started without the police up here asking for the program, quite candidly. We are here asking for it, and we know what our needs are. We have got to develop a needs assessment, but we have got these terrorism programs and the mandates that come with it. The Department of Defense gave training to 120 of the largest cities in the United States plus the equipment to deal with it, but at the same time they gave us no money to replace or maintain that equipment. They gave us no money to buy vehicles that can carry the equipment, they gave us no money for staff to do those operations.

We are also charged with fixed nuclear facility response, and in my city, a city that borders on the State of South Carolina and North Carolina, there is a fixed nuclear facility in South Carolina. When emergencies happen, it causes our response in a city of a half a million that is not even in the same state, so we have those border problems.

The OSHA 2-in and 2-out, some of these cities like Miami Township cannot physically afford to put 4 people on every piece of apparatus. Some cities have the luxury to be able to do that, and so I do not think we are going to have those same types of problems, but there is—

Senator KERRY. And, of course, since this is a grant program—

Mr. FINCHER. Absolutely.

Senator KERRY. It would be based on need, correct?

Mr. FINCHER. Absolutely. It should be based on need, some of the needs like Miami Township may be people, mine may be equipment. It may not be staffing. It has got to be training, personnel, and equipment, protective clothing, self-contained breathing apparatus with radio interface and the tracking of firefighters like you alluded to in Massachusetts. That is critical.

That transition of technology from defense down to the local fire department has got to take place, but right now we cannot afford to buy thermal imaging cameras at \$15,000 to \$20,000 apiece. If you only get one or two with a city like Charlotte, North Carolina, which has 48 companies, I cannot get that through my budget, and neither will the state afford to do that. Education is a top priority right now.

Senator KERRY. A very helpful answer. Mr. Monihan.

Mr. MONIHAN. To address one of our major problems also, we need this money available to assist where retention and recruitment of volunteers because this is another major problem, again due to time, and the time factor is worsened every time we have to have more training, additional fund-raising all eats up time, and so we are anxious to see that.

Also, I quite frankly, Mr. Kerry, I do not know what the psychology is here in Washington to be so reluctant to support the fire service. I have been on the stump since 1979 with the volunteer fire assistance program, and I must say that Congress has been very, very supportive of us because the volunteer fire assistance program was totally zeroed out at one point. It has never been fully funded, as Congressman Weldon said, but it was totally zeroed out for about 4 years in a row by the administration, both sides of the aisle, and the Congress has come to our rescue.

I do not honestly know. I do know that there has to be some sort of a fence built around the grants that prevent state and localities from reducing their participation.

Senator KERRY. In other words, the existing funding should be held harmless somehow.

Mr. MONIHAN. If they reduce their contribution, then the Federal grant goes away, and I think that has to play hard ball.

Senator KERRY. Yes.

Mr. MONIHAN. There are State and local interests and priorities, and one of the questions that Senator McCain mentioned in the beginning was with all the surpluses in the states and so forth right now—

Senator KERRY. Why can't they do it?

Mr. MONIHAN. What success are we having. Well, unfortunately it varies across the country, but there has actually been very little success for getting funding for the fire service because there are other local priorities. There are health care priorities, there are educational priorities and tax reductions, because that is politically, as you well know, very vital this time of year, or this year, so we have not had a lot of success across the country, and I think that is probably true throughout all facets of the fire service, not just the volunteer.



Senator KERRY. Does anybody else want to add to that? You do not have to, but if you want to—

Mr. SHIELDS. Senator Kerry, thank you for the opportunity. As I said to Mr. McCain, or Senator McCain—I am not sure that you heard my comments, but there is a different situation in every State.

Obviously, you know that well, in Arizona in this time of booming economies and budget surplus is that we have been struggling with a formula, a court-mandated formula for equalization of school funding in addition to the tax cuts movement that the fire chief has talked about, and although there is a shared revenue formula from the State back to the local governments to support local services and fire departments are part of that, there is always a move in the State legislature in Arizona to reduce that percentage, and so we are always in a position of fighting for what we have.

It is not a question of can we improve the fire service in Nogales or Flagstaff or Bisbee. It is a question of, can we maintain what we have, even in a good economy, so I believe and the IAFF believes that there is a role for the Federal government.

We do not believe that it should be the major or even a major funding source for local fire services, but in these areas of deficiency the training we talk about, in some cases staffing, and definitely the equipment and equipment maintenance, health and safety programs, that the Federal government could take the lead that it has in law enforcement and education and in transportation and put that same concern into the fire service and help us with these situations that protect lives.

Mr. WHITWORTH. Mr. Kerry, thank you for the opportunity to comment. Miami Township is funded at the local level, strictly through property taxes, and 85 percent of the property tax bill that each resident pays goes to support the school system. The remaining 15 percent is then divided among county services and the local services.

As far as Ohio is concerned, I did mention earlier that they offer several grant programs. My best guesstimate is that that is to the tune of \$8 million or less annually. That primarily is geared to training through the public utilities commission, the Ohio Department of Natural Resources offers a rural fire grant, as well as the fire marshal's office.

The EMS board offers some reimbursement for training and equipment. We competed this year. It is a competitive grant program. We competed this year, and managed to get the whopping sum of \$15,000, so I will try to use that wisely, and I will spend it all in one place.

We are also finding that Ohio is reducing the fire marshal's budget each year. There is pressure to reduce 2 percent and 5 percent, so consequently they are trying to keep up the same programs and, very frankly, the funding that they do offer to some of the small rural departments is in jeopardy because of that.

We also have to comply with Federal mandates, OSHA, FCC, wage and hour, Fair Labor Standards Act. We have Federal highways running through our community, and all of those have an impact.

What we would ask for is for this to be a partnership, not, as Mr. Shields says, simply one-sided funding, that this partnership that the government would be entering into with state and local governments to help support and provide those services for our nation's firefighters, improve their safety.

Senator KERRY. Just a quick question. What would be the first thing that you would want to apply for?

Mr. FINCHER. In Charlotte, North Carolina?

Senator KERRY. Yes, the first thing you would want from a grant.

Mr. FINCHER. I would like to develop our terrorist program to where I can provide adequate response to any types of acts of terrorism, equipment maintenance, wellness fitness programs, health and safety programs.

Senator KERRY. Well, the first thing. You have got a list, obviously, but I want to know the first thing.

Mr. MONIHAN. Unfortunately I did not bring a list.

Senator KERRY. What is the first thing you would think of?

Mr. WHITWORTH. Probably training, generalized training.

Senator KERRY. Mr. Shields.

Mr. SHIELDS. For the cities that I spoke of, I would say staffing.

Senator KERRY. Staffing levels.

Mr. SHIELDS. The smaller cities I spoke of.

Mr. MONIHAN. Training.

Senator KERRY. What happens when you talk to your local officials about this, both state and local? Do they simply say to you, we just do not have the ability, we cannot? What comes back to you?

Mr. FINCHER. Right now, just keeping up with growth. With the economy like it is and the cities expanding through annexation, just keeping up with the growth is expanding my budget 10 percent a year.

Senator KERRY. Well, I understand that, but—oh, you mean just in terms of additional departments?

Mr. FINCHER. Absolutely.

Senator KERRY. Additional personnel.

Mr. FINCHER. Hiring additional personnel, training them and equipping them, is increasing my budget already beyond what the city's growth and revenue is.

Senator KERRY. Well, there is obviously no more important task than providing fire protection to people in the community. If the community is growing, does the community not have a responsibility—and this is a question we get asked here—to assess accordingly?

Mr. FINCHER. Yes, it does.

Senator KERRY. I mean, is the community and all the local politicians simply trying to avoid local responsibility and shove it up to the federal government and say, hey, you guys give us the money, we are not asking for the taxes?

Mr. FINCHER. I do not know if I am the adequate person to respond to that type of comment, sir, but I think there is a move on at every local level to keep taxes on property at a certain level. Education is high on every local list.

Senator KERRY. We like to give tax cuts, too.

Mr. FINCHER. Yes.

Senator KERRY. So I mean, there is a little of that going on, maybe. What do you think, Mr. Shields?

Mr. SHIELDS. Senator Kerry, I deal with a lot of elected officials in a lot of cities, and I think one of the biggest problems that we face as advocates for the fire service is that the citizens themselves, and the elected officials, do not sense a problem for us of the magnitude that we would, for instance, with law enforcement. When gangs were on the rise, and that sort of thing—

Senator KERRY. They feel it every day.

Mr. SHIELDS. Oh, yes. The problem of the day, and the squeaky wheel, and to a degree that is still true.

Education in Arizona, we rank dead last in the country in per capita spending for education, so it is easy for them to focus on and natural for them to focus on, I think, the sort of problems of the day.

They tend to look at firefighters and emergency medical responses as a problem that we have solved and taken care of, because it is not that squeaky wheel and has not been out there on the forefront, but that does not take into account that through all these means and mechanisms that you have heard about is that we have just patched together systems in different ways in different communities, whether it is volunteer or paid, to make do. That is the nature and the sort of history of the fire service.

Senator KERRY. Sure.

Mr. SHIELDS. We are here today to highlight the fact that it is time to sort of come into the next millennium in our thinking on supporting our people, safety so that we can better protect the people that we serve.

Senator KERRY. Well, you are doing a good job of it, and I appreciate all of you taking the time to be here and share that with us.

As I said earlier, I am convinced we in the federal government do have a role. We have, indeed, made these mandates. We have national priorities that are reflected in what happens in cities and towns. Clearly for the training, for the certain kinds of technology, for other kinds of things, we ought to be able to be helpful. I think our help can leverage greater local and state participation, and I think that ought to be one of the roles here. So we need to structure this grant program in a way that does that.

I am asked by the Chairman if I would announce that the record will stay open for 2 weeks for potential additional statements and/or questions by other members who are not able to be here today. I want to thank each of you.

Is there anything you have not had a chance to say, or some point that you would like to make that you think is important before we close the hearing?

Mr. MONIHAN. I would like to add to something Mr. Shields just said. You know, in some respects we are our own worst enemy. When the alarm comes in we go fight the fire. We are playing in an environment that does not work that way, and we are not in a position to be able to play the game, and unfortunately it is a big issue.

For example, you lost six firefighters. It is a big issue when that happens, but then it is very quickly forgotten, and most of the people who die die in ones and twos. It is in the newspaper in the

morning, somebody says, isn't that a shame that baby burned to death, and they keep right on going.

So in my own state we have the luxury of having tremendous support from the state and also from the city government. I have always said, if every fire department in the country had the support that we have in Lewes, there would not be any problem, but that is not true across the country, and we have a mutual aid agreement that says—it is not a written agreement. It says, "you call, we haul," so we make do with what we have, and that is our biggest shortcoming, I think, as far as influencing people who play by different rules.

Senator KERRY. Well, I am well aware of that, and obviously, when you look at the total statistics that I recited earlier, you see it in the conglomerate, and you are absolutely correct. If you have a fire and it hits a particular defined community people are very aware of it. The people outside kind of gloss by it and say, oh, gosh, you know, another one. Until you have a very significant disaster that hits a larger area, people do not really connect to it, and everybody assumes you know.

You drive by the firehouse and see the fire engines, see the folks, and say oh, OK, that is what it is. You do not think about the numbers of people, or what kind of shifts there may be, or how well-trained people are, or whether or not the equipment is up to date. There is a lot that is, indeed, taken for granted.

Mr. MONIHAN. It is only a little over a month since Los Alamos, New Mexico almost burned down. You see nothing in the press about it. Nobody talks about it. It is past.

Senator KERRY. Understood. Well, point well-made. That is why you have got some strong advocates up here, and hopefully we will get this done. I thank you all very, very much for taking the time to be with us today.

We stand adjourned. Thank you.

[Whereupon, at 11:15 a.m., the Committee adjourned.]

## APPENDIX

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO  
CHIEF LUTHER L. FINCHER, JR.

*Question 1.* As I noted earlier, state governments are reporting record surpluses each year and, as you well know, traditionally, fire protection has been funded at the state and local level. What programs are in place at the state level to help meet the needs of the fire and emergency services?

Answer. Traditionally, fire and rescue departments are funded locally. Most states do not have fire operations under their jurisdictions although most have state training programs and a state fire marshal function.

*Question 2.* Are you taking steps to enact funding programs similar to the FIRE Act at the state level?

Answer. Many state fire service organizations have approached state legislatures but uniformly without success.

*Question 3.* I understand that based on each of your experiences you have reached the conclusion that the fire and emergency services are in need of increased federal funding. Have any of your organizations conducted an empirical study to pinpoint where additional funding would be most helpful?

Answer. No. The International Association of Fire Chiefs would strongly support a national survey of America's fire and emergency service to identify critical needs.

*Question 4.* I realize the lure of federal funding can be very appealing. In the past, however, we have seen similar grant programs evolve and become burdened with federal requirements that usurp local control of government. Do any of you have concerns that federal mandates may eventually be a part of the grant program you envision?

Answer. There already are federal mandates in a number of areas of fire service operations (e.g., bloodborne pathogens, hazardous materials, self contained breathing apparatus, vehicle standards, communications equipment, EMS). We doubt there would be new federal mandates as a result of a competitive grant program. A major purpose of the program will be to bring fire and emergency departments up to current federal and consensus standards to ensure safe operations for fire fighters/medics as well as the public they serve.

*Question 5.* What information was used to derive the \$1 billion per-year funding level?

Answer. Representative Pascrell developed this funding level without consultation with this organization.

*Question 6.* The bill would allow the use of the grants to hire personnel. I can see how this would help the career departments but what does the bill do to help attract and retain volunteer fire fighters?

Answer. The primary assistance for volunteer fire departments will be in the form of training, providing personal protective equipment, supplying sufficient self contained breathing apparatus, and helping to ensure safe fire and rescue vehicles. The purpose of the legislation is safety and health for emergency responders. To the extent volunteer fire and rescue departments can demonstrate safer operations that will assist in recruiting and retaining volunteer members.

*Question 7.* The bill would allow the use of the grant money for wellness and fitness programs. Can you describe to me what specific need this addresses and how this need is currently going unmet?

Answer. One of the major safety issues for fire and rescue personnel is fitness and wellness. Many of the large, well-funded fire departments have fitness/wellness programs to improve service delivery and to reduce fire fighter injury and death. Fitness/wellness is just one of many aspects in preparing personnel and departments to respond safely and to operate effectively. This is an unmet need in the preparedness of the medium sized and smaller departments.

*Question 8.* As currently drafted, the FIRE Act provides no mechanism for auditing the grants made under the program to ensure that the funds are being used for the appropriate purposes nor does it include provisions to measure the effectiveness of the program over time. Would you support the inclusions of such provisions in the bill?

Answer. Yes. An audit function MUST be a provision in the enabling legislation and the implementing regulations.

*Question 9.* In the Senate version of the FIRE Act, ten percent of the funds are set aside for education programs. However, fire departments would not be the only organizations that would qualify for the funds, but national, state, local or community organizations as well. What is the position of the IAFC/IAFF/NVFC regarding non-fire service organizations qualifying for these funds?

Answer. As we stated in our testimony, the ICHIEFS preference would be for the grant program to be exclusively for the fire and emergency service.

*Question 10.* Reviewing the list of uses for the grant funds, I question whether serious thought was given to targeting these funds on challenges national in scope and whether departments would use the funds to address actual needs rather than to purchasing "wants." How can we ensure that individual applications demonstrate an actual need for these funds?

Answer. A national needs assessment would enable FEMA to adopt a strict criteria against which applications for grant funding would be judged. It will be the responsibility of the grant administrator, reviewing grant requests on a competitive basis, to ensure that funds are appropriately directed.

*Question 11.* During the testimony, one of the witnesses suggested that the average amount of a grant would be relatively small based on the number of fire departments in this country. On the other hand, these funds would be exhausted in short order if every department seeking grants used the funds to purchase apparatus. Do you support the use of these funds for purchasing apparatus and what type of impact would this have on reducing the threat of fire and other dangers in our nation?

Answer. We do not support using the funds to purchase apparatus.

*Question 12.* Would you support a requirement for departments seeking funds to provide National Fire Incident Reporting data to the United States Fire Administration?

Answer. Yes. I testified for ICHIEFS before the Subcommittee on Basic Research of the House Committee on Science March 23, 1999 as follows:

" . . . to substantially increase funding for the National Fire Incident Reporting System. This is an extremely important recommendation since the mission of the U.S. Fire Administration cannot be fully implemented until a detailed analysis documents the full extent of our nation's fire problem. Accurate and complete fire loss information is critical for the complete analysis and documentation of the nation's fire problem. It is essential to track cause of fire, fire injuries and deaths, arson patterns, the effectiveness of fire prevention programs, and other information needed for the U.S. Fire Administration to identify a plan of action.

"Federal programs designed to support state and local law enforcement are based largely on statistical evidence demonstrating and identifying areas that would benefit from such support and assistance. For decades, law enforcement has had a national incident reporting system that covers just about 100% of America. Not so with the fire incident reporting system.

"There is a clear need for an updated and mandatory fire reporting system. This will help identify areas where federal support can make a critical difference in local fire and emergency response, and enhance the ability of the federal government to design appropriate programs to assist local fire departments with their protective mission."

---

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO  
E. JAMES MONIHAN

*Question 1.* As I noted earlier, state governments are reporting record surpluses each year and, as you well know, traditionally, fire protection has been funded at the state and local level. What programs are in place at the state level to help meet the needs of the fire and emergency services?

Answer. The degree to which state and local governments fund their emergency service varies across the nation. However, regardless of the assistance received at

the local and state level, it does not change the fact that the federal government does have a role in supporting the emergency services. The fire service's ever-increasing responsibilities are a consequence of both local directives and actions of the federal government. 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. In addition, many of these emergencies occur on federal properties such as national parks and lands, interstate highways and in federal buildings.

*Question 2.* Are you taking steps to enact funding programs similar to the FIRE Act at the state level?

Answer. Part of the National Volunteer Fire Council's (NVFC) membership is made up of each state association. The NVFC serves as a conduit of information between those state associations regarding programs being worked on at the state level. Unfortunately, the degree to which state governments fund their emergency service varies across the nation.

*Question 3.* I understand that based on each of your experiences you have reached the conclusion that the fire and emergency services are in need of increased federal funding. Have any of your organizations conducted an empirical study to pinpoint where additional funding would be most helpful?

Answer. The NVFC has not conducted an empirical study to pinpoint where additional funding would be most helpful. However, we feel there has long been a need to perform a nationwide fire service needs assessment in the fire service. This assessment would help the federal government to better understand just how severe the shortages in some fire departments are.

We think that an organization with a substantial knowledge of the fire service and a proven track record of gathering data should conduct this type of survey. However, due to the large diversity of the fire service, a statistical sample may not tell the whole story. The needs of this nation's rural volunteer fire departments must be accounted for. In addition, any nationwide assessment survey should come under the direction and be funded by the U.S. Fire Administration.

*Question 4.* I realize the lure of federal funding can be very appealing. In the past, however, we have seen similar grant programs evolve and become burdened with federal requirements that usurp local control of government. Do you have any concerns that federal mandates may eventually be a part of the grant program you envision?

Answer. The fire service already has to deal with unfunded mandates that have come down from federal government. The federal government has told the fire service the minimum amount of firefighters needed to attack a fire, and has asked the fire service to respond to calls involving terrorism, hazardous materials, natural and man-made disasters and wildland/urban interface fires. These are just a few of the burdens and requirements that we are already dealing with without monetary support. Therefore, the prospect of 'strings' being attached is nothing new.

In addition, when federal dollars are used to build new interstate highways, they often run through small communities protected by a volunteer fire department. These small town fire companies must respond to a huge influx of auto accidents, some involving hazardous materials. They are already struggling to handle their own needs and finances, and are now forced to provide more services, and receive no compensation for their responses.

Finally, we suggest that stakeholders such as the NVFC should be a part of developing criteria for these grants to ensure that they do not become burdened with federal requirements that usurp local control of government.

*Question 5.* What information was used to derive the \$1 billion per-year funding level?

Answer. The \$1 billion per-year funding level was a number come up with first by Rep. Curt Weldon (R-PA) and Rep. William Pascrell (D-NJ) when they introduced the FIRE Act (H.R. 1168). Sen. Mike DeWine (R-OH) and Sen. Christopher Dodd have included the same funding level in the Senate version of the FIRE Bill (S. 1941). With some fire apparatus costing more than \$500,000 and other new life saving but expensive technology constantly becoming available, this funding level is necessary to properly assist the more than 30,000 fire departments in the United States.

*Question 6.* The bill would allow the use of the grants to hire personnel. I can see how this would help the career departments but what does the bill do to help attract and retain volunteer fire fighters?

Answer. Constant fundraising demands are intertwined into every aspect of volunteer fire and emergency services, affecting the recruitment of new members, the retention of existing members, and the ability to train members. If a volunteer fire department is better equipped, the firefighters can spend more time training and less time fundraising. In addition, the NVFC does support adding a provision to this bill that would allow volunteer fire departments to apply for grants in order to carry our recruitment and retention programs. Also, some fire departments can use the grant money to hire staff to supplement their volunteers in the daytime when many volunteers are unavailable.

*Question 7.* The bill would allow the use of grant money for wellness and fitness programs. Can you describe to me what specific needs this addresses and how this need is currently going unmet?

Answer. According to the National Fire Protection Association, heart attacks are the number cause of death in the fire service. Unfortunately, most volunteer fire departments do not have the resources to implement a program to keep their firefighters in proper physical shape.

*Question 8.* As currently drafted, the FIRE Act provides no mechanism for auditing the grants made under the program to ensure that the funds are being used for the appropriate purposes nor does it include provision to measure the effectiveness of the program over time. Would you support inclusions of such provision in the bill?

Answer. YES.

*Question 9.* In the Senate version of the FIRE Act, ten percent of the funds are set aside for education programs. However, fire departments would not be the only organizations that would qualify for the funds, but national, state, local, or community organizations as well. What is the position of the IAFC/IAFF/NVFC regarding non-fire service organizations qualifying for these funds?

Answer. The NVFC has always advocated a program where funds go directly to individual fire departments. However, if the provision allowing other non-fire groups to qualify for the funds were in the final bill, we would support any of their efforts to reduce fire deaths in the United States.

*Question 10.* Reviewing the list of uses for the grant funds, I question whether serious thought was given to targeting these funds on challenges national in scope and whether departments would use the funds to address actual needs rather than to purchasing "wants." How can we ensure that individual applications demonstrate an actual need for these funds?

Answer. It must be left up to the fire department applying for the grant to show there is a real need for these funds. The grant review process must take into account a department's budget, the area protected, etc. In addition, stakeholders such as the NVFC should be a part of developing criteria for these grants to ensure that they are targeted on challenges national in scope.

*Question 11.* During the testimony, one of the witnesses suggested that the average amount of a grant would be relatively small based on the number of fire departments in this country. On the other hand, these funds would be exhausted in short order if every department seeking grants used the funds to purchase apparatus. Do you support the use of these funds for purchasing apparatus and what type of impact would this have on reducing the threat of fire and other damages in our nation?

Answer. The NVFC does support the use of funds to purchase or refurbish apparatus. However, this legislation addresses your concerns that the funds may be exhausting too quickly by containing a provision allowing only 25% of the funds to go to purchasing apparatus.

*Question 12.* Would you support a requirement for departments seeking funds to provide National Fire Incident Reporting data to the United States Fire Administration?

Answer. The NVFC does support a requirement for departments seeking funds to provide National Fire Incident Reporting data to the U.S. Fire Administration. If more departments provide information to the National Fire Incident Reporting System (NFIRS), we would better be able to grasp the depth of the fire problem in the United States. However, it must be noted that many volunteer fire departments lack the time and resources to be able to report this data.



RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO  
BILLY SHIELDS

*Questions 1 and 2.* As I noted earlier state governments are reporting record surpluses each year and, as you well know, traditionally, fire protection has been funded at the state and local level. What programs are in place at the state level to help meet the needs of the fire and emergency services?

Are you taking steps to enact funding programs similar to the FIRE Act at the state level?

Answer. A variety of programs exist in different states, many of which are included in the data Senator DeWine's office compiled and provided to your staff. But clearly states need to do more. As proponents of the FIRE Act, we do not envision the federal government becoming the major or even a major funder of the fire service. That responsibility will continue to rest with states and localities, and we call on all states to do whatever they can to ensure adequate funding of the fire service.

We are certainly sympathetic to concerns that the federal government should not be thought of as a first alternative when it comes to funding. Federal funds should not go to jurisdictions where there are untapped financial resources. We would therefore support requiring grant applications to include a discussion of alternative sources of funding. Such a requirement would enable FEMA to take local financial conditions into account in deciding which grant applications are most deserving.

But the issue before Congress is not whether the states are doing enough, but whether the federal government is doing enough. While fire protection will always be primarily a local government responsibility, there clearly is a federal role. Numerous aspects of fire protection ranging from border issues to hazardous material transportation to terrorism have a major federal component, yet the federal government has yet to live up to its responsibility to shoulder its fair share of the funding burden.

Moreover, the federal government already spends billions of dollars every year to support such local government functions as law enforcement, education and roads. Providing federal funding for a wide variety of local government services, while denying any support for the fire service based on the argument that it is a local responsibility is tantamount to discriminating against me because I am a fire fighter. Teachers and cops are not told "go talk to your Governor," so why should I be?

*Question 3.* I understand that based on each of your experiences you have reached the conclusion that the fire and emergency services are in need of increased federal funding. Have any of your organizations conducted an empirical study to pinpoint where additional funding would be most helpful?

Answer. As I discussed in my testimony, the IAFF conducted a survey of our State Associations. While unscientific, the survey provides a shocking glimpse of just how dire the funding situation is. For example 3 out of 4 fire departments are currently estimated to be operating with unsafe staffing levels. We would certainly support a more scientific survey of fire department needs to help pinpoint areas of greatest need, but there is no need to hold up the legislation while the survey is being conducted. We already know a great need exists, and it would be a waste of precious resources to study what is essentially a rhetorical question.

*Question 4.* I realize the lure of federal funding can be very appealing. In the past, however, we have seen similar grant programs evolve and become burdened with federal requirements that usurp local control of government. Do any of you have concerns that federal mandates may eventually be a part of the grant program you envision?

Answer. Because the FIRE Act would require fire departments to seek funding for specific purposes rather than general operating expenses we believe the program is much less susceptible to being burdened with federal requirements. But even if it were, we would not view this as an impediment to enacting the legislation. If the federal government did choose to attach strings to the funding, localities would be free to avoid federal entanglements simply by not applying for a grant.

*Question 5.* What information was used to derive the \$1 billion per-year funding level?

Answer. We were not involved in the initial drafting of the legislation where the \$1 billion figure first surfaced, but we can assure you that this amount is more than fully justified. The actual need is much greater. It is important to note that the \$1 billion figure is an authorization, not an appropriation. Congress would be free to appropriate whatever amount it deemed appropriate each year, so long as it did not exceed \$1 billion. For example, the Local Law Enforcement Block Grant program is authorized at \$2 billion a year, but is appropriated at approximately \$500 million.

*Question 6.* The bill would allow the use of the grants to hire personnel. I can see how this would help the career departments but what does the bill do to help attract and retain volunteer fire fighters?

Answer. Volunteer fire departments are often the ones most in need of funding for a variety of essential fire service needs such as equipment and training. More training and equipment could help lead to more volunteer fire fighters. In areas where there simply are not enough people willing to volunteer, funding could be used to hire a few paid fire fighters to supplement the work of the volunteer fire fighters thus assuring the continued role of the volunteer fire company.

*Question 7.* The bill would allow the use of grant money for wellness and fitness programs. Can you describe to me what specific need this addresses and how this need is currently going unmet?

Answer. Physical fitness is an absolute must in the fire service. If a fire fighter is not in prime physical condition, he or she can not perform their duties and they jeopardize not only their own safety but also the safety of other fire fighters at the scene, and ultimately the public. Wellness/Fitness programs—which include such things as nutrition counseling, smoking cessation programs, and exercise—have proven effective in promoting a physically fit workforce.

In Phoenix, our wellness/fitness program resulted in a dramatic decline in the number of Workman's Compensation claims and days lost due to injury. Unfortunately, most fire departments are unable to afford such a program or this is the last priority in their budgets which never gets funded.

*Question 8.* As currently drafted, the FIRE Act provides no mechanism for auditing the grants made under the program to ensure that the funds are being used for the appropriate purposes nor does it include provisions to measure the effectiveness of the program over time. Would you support the inclusions of such provisions in the bill?

Answer. Yes.

*Question 9.* In the Senate version of the FIRE Act, ten percent of the funds are set aside for education programs. However, fire departments would not be the only organizations that would qualify for the funds, but national, state, local or community organizations as well. What is the position of the IAFC/IAFF/NVFC regarding non-fire service organizations qualifying for these funds?

Answer. We believe money provided under the FIRE Act should go to local fire departments, which are quite capable and have a long history of running effective fire prevention education programs.

*Question 10.* Reviewing the list of uses for the grant funds, I question whether serious thought was given to targeting these funds on challenges national in scope and whether departments would use the funds to address actual needs rather than to purchasing "wants." How can we ensure that individual applications demonstrate an actual need for these funds?

Answer. First, the matching fund requirement assures that localities are committed to expending their own resources. We would not be averse to increasing the match required if this became a significant obstacle to passage of the legislation.

Second, FEMA should be directed to consider the seriousness of the need in deciding which grant applications to award. The number of applications is sure to dwarf the funds available, so FEMA would be able to assure that FIRE Act funding only go to jurisdictions that can demonstrate a compelling need.

*Question 11.* During the testimony, one of the witnesses suggested that the average amount of a grant would be relatively small based on the number of fire departments in this country. On the other hand, these funds would be exhausted in short order if every department seeking grants used the funds to purchase apparatus. Do you support the use of these funds for purchasing apparatus and what type of impact would this have on reducing the threat of fire and other dangers in our nation?

Answer. We believe the amount used to purchase apparatus should be severely limited to ensure that funding is available to protect fire fighter health and safety through better equipment, training and staffing.

*Question 12.* Would you support a requirement for departments seeking funds to provide National Fire Incident Reporting data to the United States Fire Administration?

Answer. Absolutely.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO  
CHIEF JAMES WHITWORTH

*Question 1.* As I noted earlier, state governments are reporting record surpluses each year and, as you well know, traditionally, fire protection has been funded at the state and local level. What programs are in place at the state level to help meet the needs of the fire and emergency services?

Answer. Ohio offers grants through the State Fire Marshal's Office, Ohio Department of Natural Resources, and the Ohio Department of Public Safety Division of Emergency Medical Service. The Fire Marshal's grant is directed toward volunteer departments serving communities with a population of 10,000 or less. The annual grant offered \$1,388,236 for the 2000 fiscal year. The Fire Marshal received 546 applications requesting over \$7.3 million.

The Ohio Department of Natural Resources directs their small grant program toward rural fire departments and is a cost-sharing grant for minor fire fighting equipment or training. As you can imagine the response to their grant is similar to that experienced by the Fire Marshal's Office.

The grant program offered by the Ohio Department of Public Safety Division of Emergency Medical Service is focused on emergency medical service training, equipment, and research. The amount available for fiscal 2000 is about \$4 million. All public emergency medical services and those private services under contract to a municipality or township qualify for this grant program. Miami Township was awarded about \$15,300 split 60/40 between training and equipment.

Ohio also offers a low interest loan program for small rural communities to build fire stations and purchase apparatus.

*Question 2.* Are you taking steps to enact funding programs similar to the FIRE Act at the state level?

Answer. To my knowledge there has not been a recent effort to increase funding for Ohio's fire service similar to the FIRE Act. Currently the Ohio Fire Chief's Association, Fire Fighter's Association, and Professional Fire Fighter's Association are trying to discover why, in the face of increasing revenues from insurance premiums, the budget for the Fire Marshal's Office is shrinking. The funds are the sole support for the Marshal's Office and the State Fire Academy.

*Question 3.* I understand that based on each of your experiences you have reached the conclusion that the fire and emergency services are in need of increased federal funding. Have any of your organizations conducted an empirical study to pinpoint where additional funding would be most helpful?

Answer. I am not aware of any empirical studies conducted in Ohio to pinpoint or prioritize where money should be spent to have the greatest impact on service delivery to its citizens. However, it is difficult to do meaningful empirical studies when the fire departments are the "go-to" agencies, doing almost all types of emergency service. Most programs have been designed to address the needs identified in *America Burning*, the statistics generated by the National Fire Incident Reporting System, and the report generated in the 1970's regarding the delivery of emergency medical services on our national, state and local roadways.

*Question 4.* I realize the lure of federal funding can be very appealing. In the past, however, we have seen similar grant programs evolve and become burdened with federal requirements that usurp local control of government. Do any of you have concerns that federal mandates may eventually be a part of the grant program you envision?

Answer. Certainly, I am concerned about additional mandates affecting how service is delivered on the local level. However, we are currently saddled with multiple unfunded mandates that have a profound effect on our ability to deliver services at the local level. As cited in my written testimony we are required to follow regulations promulgated by the U.S. Department of Labor, U.S. Environmental Protection Agency, U.S. Occupational Safety and Health Administration, Federal Communications Commission, etc. In addition, there are standards making organizations, such as the National Fire Protection Association, that establish important safety and operating standards. However, the result is the same as with federal regulations: no money or resources are provided to achieve the utopian world created in the regulations and standards. We are left to conduct even more pancake breakfasts, bingos, or request the community to fork over more of their hard earned money in the form of property taxes. And, when taken to court after an unfortunate incident, the department is held to those standards.

Many departments operate with minimal or no training, inadequate or no fire fighter protective clothing, inadequate or unsafe apparatus, minimal or inadequate tools, provide no public education or fire safety inspections, etc. If federal mandates

to improve community safety and the safety of the emergency responder are imposed *and*, are accompanied by adequate federal funding, then we, and those we serve, are better off.

*Question 5.* What information was used to derive the \$1 billion per-year funding level?

Answer. I do not know. And, I am concerned that it may not be enough to bring local emergency response agencies to an adequate level to address the myriad of needs in our communities today, and comply with federal regulations and standards. But, it is a start.

*Question 6.* The bill would allow the use of the grants to hire personnel. I can see how this would help the career departments but what does the bill do to help attract and retain volunteer fire fighters?

Answer. With all due respect, the staffing issue is exceedingly more complex than your question implies. Many of the medium and small size departments employ a combination of career, part time, paid-on-call and volunteer employees. These departments are a result of evolution due to a lack of volunteers who have the time to be trained to an adequate and safe level, and commit to emergency responses. The true volunteer is a dying breed. I believe that in most regions of the country those we call volunteers are actually paid-on-call (for a flat fee or an hourly rate) and respond from their homes and businesses when they are available.

Yes, there are those who are willing to be true volunteers. However, what motivates them to make this most serious of commitments, and take personal risks to serve strangers for multiple years, varies almost by the individual. Some desire simply to serve their fellow man. Others want quality training and equipment. Some need the camaraderie of a group united in a single purpose. And, there are those that are only interested in the excitement provided by the use of lights and sirens. Still others desire a supplement to their income, health insurance coverage, or a small retirement benefit.

Successful volunteer recruitment and retention are based on providing a variety of opportunities and "benefits". There is no "one size fits all" solution.

*Question 7.* The bill would allow the use of grant money for wellness and fitness programs. Can you describe to me what specific need this addresses and how this need is currently going unmet?

Answer. Over 100 fire fighters died in the line of duty during 1999. About half of the deaths were due to a cardiac event. Although not quantified in the studies I have read, many of these deaths were likely due to a lack of physical conditioning in a physically demanding profession. Many times the fire fighter goes from being at rest to a high level of physical activity for several hours, in a very short time period. Even when the tone sounds and the incident is for another station the fire fighter who gets to stay at the station or home receives an auto-injection of adrenalin. This is called "alarm-stress". Over the years this takes its toll on an emergency responder's physical plant.

There are thousands of emergency responders (career, part time, paid-on-call, and volunteer) who are injured every year. Many of these injuries are consistent with, and likely due to, a lack of adequate physical conditioning.

Miami Township is fortunate to be able to provide a *small* exercise room with minimal aerobic and strength conditioning equipment (some provided by employees) in each of our three stations. In addition, we reimburse an employee's monthly membership fee (about \$20) at a local exercise club, if they exercise 8 times that month. However, this is not the case among smaller departments or those with fewer resources than Miami Township: especially those departments who are volunteer and/or paid-on-call.

This points out the importance of having flexibility to use the FIRE Act funds in the manner most beneficial to the local emergency response agency and its community.

*Question 8.* As currently drafted, the FIRE Act provides no mechanism for auditing the grants made under the program to ensure that the funds are being used for the appropriate purposes nor does it include provisions to measure the effectiveness of the program over time. Would you support the inclusions of such provisions in the bill?

Answer. Grant money without strings is unheard of in today's world. However, the smaller the department the less able they are to provide the administrative accountability and clerical support to satisfy any but the simplest grant accounting requirements. This presents a "Catch-22" situation wherein a department will need to hire someone to administer a grant thereby needing additional funds just for this purpose.

Miami Township assisted a couple local departments with their initial application for Ohio's Department of Public Safety Division of Emergency Medical Service grant when they were first offered in the early 1990's. The positive side of this grant is that there is minimal follow-up reporting required. The downside is that the grant awards are generally small and narrowly focused on emergency medical training and equipment.

Audit mechanisms and criteria to measure program effectiveness must be kept to a minimum, especially for small and volunteer departments. Also, the application process needs to be simple so as not to discourage medium and small departments from applying.

*Question 9.* In the Senate version of the FIRE Act, ten percent of the funds are set aside for education programs. However, fire departments would not be the only organizations that would qualify for the funds, but national, state, local or community organizations as well. What is the position of the IAFC/IAFF/NVFC regarding non-fire service organizations qualifying for these funds?

Answer. This is a bill to fund fire and emergency services. The intent is to improve fire and emergency service response to the wide variety of emergencies confronting our communities today, as well as helping us make our communities safer through early mitigation and public education. Miami Township has an active and, we believe, effective public safety education program. The bill, as I understand it, would allow another non-fire community organization to qualify for funding to offer competing/duplicate programming. I'm not jealous, but I am concerned that this will dilute the already minimal funds proposed in the FIRE Act. In turn, this will likely have a negative impact on the funds available to Miami Township for meaningful improvements in the areas in which they are needed.

Miami Township tries to expend the valuable funds we receive from the public in the most efficient manner possible. If measures can be included in the FIRE Act to avoid duplicate or unnecessary programming I would feel a little better about the designation of ten percent of the funding to education programs. (However, as was discussed in the question regarding the accountability of grant funds, this type of provision would undoubtedly cause a more complicated application and grant review process.)

*Question 10.* Reviewing the list of uses for the grant funds, I question whether serious thought was given to targeting these funds on challenges national in scope and whether departments would use the funds to address actual needs rather than to purchasing "wants." How can we ensure that individual applications demonstrate an actual need for these funds?

Answer. The further from the source that funds are distributed the more likely that fraud and frivolous spending will occur. Without putting an expensive bureaucracy in place to oversee the spending I am not sure that anyone can give you assurances that needs and not "wants" are met. I can say that Ohio already disburses money to the emergency services and has mechanisms in place to oversee appropriate spending of grant funds, without creating a daunting application and accountability process.

As far as assuring that the funds are targeted on challenges of national scope let me reiterate that the fire loss and fire injury problem is a national travesty. Also, local emergency responders attend to emergencies on federal highways and in federal installations, respond to terrorist acts, respond to hazardous material releases that cross local and state boundaries, and first respond to natural disasters that occur without regard to political jurisdictions. Most of the resources and assets needed to address national issues are the same as those needed for response to "local" emergencies.

*Question 11.* During the testimony, one of the witnesses suggested that the average amount of a grant would be relatively small based on the number of fire departments in this country. On the other hand, these funds would be exhausted in short order if every department seeking grants used the funds to purchase apparatus. Do you support the use of these funds for purchasing apparatus and what type of impact would this have on reducing the threat of fire and other dangers in our nation?

Answer. Apparatus and equipment do not reduce the threat of fire. However, they are instrumental in the process to minimize the impact of the disaster on the critical infrastructure and our nation's citizens. Miami Township has a need to replace its aging fleet of emergency response apparatus, and through creative financing methods we are slowly managing to fill that need. Our critical need is for personnel to meet the safety standards and regulations imposed on us. The point is, every department will not need to purchase apparatus, or hire people, or implement public

safety education programs. The bill allows for flexibility to fund the most critical needs of the local emergency response agency and its community.

I agree that \$1 billion per year disbursed across this great country will pale in comparison to the actual need. However, Miami Township is not looking to the federal government to provide for all our community's emergency response needs. Miami Township is looking for a partner to help address the federal regulations and standards we are required to meet. Miami Township is looking for a partner to help us respond to emergencies that occur on the interstate highway that bisects our community. Miami Township is looking for a partner to help us protect the nation's critical infrastructure. Miami Township is looking for a partner to help us prepare for response to a release from the Uranium Hexafluoride shipments traveling from Portsmouth, Ohio to a Nevada waste site, and to respond to acts of terrorism.

My compatriot is right. The average potential grant award would be small when spread across all the nation's fire departments. However, we need to start somewhere and the FIRE Act is the appropriate means.

*Question 12.* Would you support a requirement for departments seeking funds to provide National Fire Incident Reporting data to the United States Fire Administration?

Answer. NFIRS data is critical to defining the problem and tracking improvements in the fire and emergency response field. In addition to tying a reporting requirement to the grant, consideration should be given to providing funding to assist a department in meeting the reporting requirement. There will probably be some fire departments that will not participate in NFIRS data submissions or the grants resulting from the FIRE Act. However, efforts should be made to encourage participation in both.

---

PREPARED STATEMENT OF ROBERT A. DiPOLI, CHIEF, NEEDHAM FIRE DEPARTMENT,  
NEEDHAM, MASSACHUSETTS

### **Introduction**

My name is Robert A. DiPoli. I am the Fire Chief in Needham, Massachusetts, a suburb of Boston. I am a thirty-year veteran of the Fire Service and Fire Chief for the past twelve years. In addition, I am the Past President of both the Fire Chiefs Association of Massachusetts and the New England Division of the International Association of Fire Chiefs. For three years, I traveled all over the United States in a campaign effort for Vice President of the International Association of Fire Chiefs. I currently serve as Director of Governmental Affairs, for the Fire Chiefs Association of Massachusetts.

### **Statement**

Mr. Chairman. Let me begin by thanking you for holding a hearing on the FIRE ACT. I was present in your chambers, but not on the panels. I thought the hearing was sincere, and some legitimate issues were discussed.

While, I have a pretty good handle of the issues facing the nation's Fire Service, I will concentrate on matters closer to home. For the past twelve years, I have been at the helm of the Needham Fire Department. Needham is a fairly affluent community of approximately thirty thousand people, located to the southwest of Boston. The Interstate I-95 corridor runs through the community, as well as rail lines. Needham is in a heavily traveled flight path, from Logan International Airport. The Needham Fire Department is a career department, with seventy full time employees. The department responds to approximately three thousand emergency calls per year. These calls are a mix of fire responses and emergency medical calls. The department operates a fleet of apparatus consisting of three Pumping Engines, one Ladder Truck, two Rescue Ambulances and numerous small vehicles. The apparatus is housed in two stations.

Proposition 2½, a tax limiting measure was enacted by a statewide election in 1981. This measure limits new revenue by property taxes to 2½% per year. Even in a robust economy, the cost of operating the fire department increases by at least that much. Fuel costs have doubled in the last year alone. Education takes the lion's share of the available revenue each year, leaving the remaining services to compete for what is left. My instructions each year as I prepare my operating budget, is to level fund the fire department. When you factor in cost of living raises and inflation, I lose a piece of the department every year. I have been forced to layoff young firefighters, just starting out in their careers. My department runs apparatus short staffed every day. Most days, whole companies are placed out of service. This hampers our ability to protect our citizens, as well as contribute to our Mutual Aid program to the thirty-three communities in our region.

You raised a question about, what is the State doing for the Local Fire Departments. We are probably better off than most, when it comes to State involvement of the local fire service. This is due to a combination of innovative and aggressive leadership of the fire chiefs in the state, along with a good level of respect and cooperation of our state legislators. We have a highly effective State Fire Marshals Office that provides many support services to the local fire departments. We have an excellent Statewide Regional Hazardous Materials Response Program. We have an excellent State Fire Training System. We witnessed the effectiveness of these services recently, during the Worcester Fire tragedy.

We also have fire departments operating out of station houses condemned by the local building inspector. We have fire departments responding to alarms in apparatus that should have Antique plates on them. What we are lacking is a program to assist the poorer communities in building new stations and acquiring new apparatus. We are not looking for a free lunch program, or a federal bailout for local services.

We need the FIRE ACT, and the assistance it will provide to America's domestic defenders. We need to take a positive step to reduce the loss of life and property damage every day across our great nation. I cannot think of a better investment of some federal dollars, than preventing fires, and the resulting losses.

Thank you for allowing the hearing on this badly needed legislation, and for the opportunity to add my testimony. Please support the FIRE ACT!

#### THE PROOF IS IN—THERMAL IMAGERS SAVE LIVES!

Of all the operations in which thermal imaging can improve a firefighter's tactics, this technology probably has its most dramatic impact on search and rescue operations. Firefighters using thermal imaging cameras have regained their vision and can now quickly navigate to identify victims based on sight.

In the past year, Bullard, the leading thermal imager manufacturer in the US, has been tracking stories from the field—about firefighters who have rescued civilians and firefighters who have been spared from injury when they were using a Bullard Thermal Imaging Camera on the job. These stories are summarized as follows.

*Four Lives Spared/Florence, SC/May 22, 2000*—A strip mall fire on May 22 in Florence, South Carolina, nearly took the lives of four firefighters who were battling the blaze. These firefighters narrowly escaped a building collapse when a concealed ceiling fire nearly cut off their exit.

Firefighters arrived on scene around 1:30 a.m. Firefighter/Driver Phillip Lee pulled one of the department's Bullard Thermal Imagers from Engine 141 and entered a front window to size up the fire. Lieutenant Jim Sills employed another Bullard Thermal Imager to help the two-person attack team begin their navigation through the building.

Though the smoke was blinding, Lee was able to see fire conditions clearly with the Bullard Thermal Imager. "It was so hot in the room that my skin was tingling. I trained the camera on the ceiling, and I saw a solid pure white image, with a brighter white in the front of the room," Lee said. "The fire had spread through the ceiling and was already behind the crew, cutting off our exit."

Lee sensed an imminent structural collapse and reported the situation to Lieutenant Charles Matthews, who was in command inside the structure. Lieutenant Matthews responded quickly. "I told them to get out, and get out now. Within just a few minutes, the building collapsed where we had been working."

Lee believes that without the thermal imager, the crew could have easily been trapped in the building. "The building was built with bowstring construction, and the metal has a tendency to give when it gets hot. We would have never thought the fire could have gotten behind us like that. Without the thermal imager, the building would have fallen in on us," he said.

*Thermal Imager Helps Five Firefighters Escape Before Collapse/Windham, NH, March 17, 2000*—On Friday, March 17 at about 2 a.m., the Windham Fire Department was dispatched to a fire at a strip mall. The structure was filled with heavy smoke, and indications were that the fire had started on the lower level. With Bullard Thermal Imager in hand, Lieutenant Jay Moltenbrey took the lead position into the smoke-filled lower level, followed by Firefighter Tom McPherson and Firefighter Mike Mistretta. A second crew of two made separate entry on the same level to search for the source of the fire.

Though the smoke was blinding, Moltenbrey was able to see with the thermal imager. Training the imager on the ceiling, he saw that the entire ceiling showed

as gleaming white on the screen, indicating that it contained heavy concealed fire. Moltenbrey sensed an imminent structural collapse and pulled both crews out of the building. Just five minutes later, the ceiling collapsed.

Fire Chief Steven Fruchtman said the incident could have turned out very differently if thermal imaging technology hadn't been available on the scene. "Had the camera not been available, I believe there would have been some serious firefighter injuries or even a fatality due to the heavy loads above when the floor collapsed," he said.

Lieutenant Moltenbrey agrees. "If we hadn't had the camera, we would have pushed in further looking for the seat of the fire, and we probably wouldn't have looked in the ceiling. Truss floors are lightweight and strong, but when you add heat and fire, they fail very quickly. About half of firefighter deaths in the US are caused by collapses of buildings of lightweight construction," he said.

*43 Year-Old Man Rescued/Enterprise, Ala./February 19, 2000*—When firefighters arrived at Jimmy Ray Huguley's house at 6:30 p.m. on February 19, flames were shooting out of the windows, and bystanders reported that a voice had been heard coming from the front bedroom. Firefighter Tim Driscoll led a team of three with the department's Bullard Thermal Imager in hand—breaking the bedroom window and climbing through it to search for the victim.

After navigating around the bed in zero visibility, Firefighter Driscoll identified the shape of Mr. Huguley's body on the screen of the thermal imager—lying face-down on the floor of the bedroom. Firefighter Driscoll picked up the victim and passed him out the window to Firefighter Eric Massey and Lieutenant Michael Kelley. Seconds after Mr. Huguley was removed, there was a flashover in the bedroom. Driscoll quickly jumped through the window, escaping the structure without injury. Mr. Huguley is currently in critical condition at the University of Alabama Birmingham.

Enterprise Fire Department Chief Byron Herring explained that the camera allowed firefighters to immediately find the victim. "Due to the smoke and excessive heat, the firefighters would not have had time to find him under normal procedures," Chief Herring said. "Without the camera, there's no doubt in my mind that we would have had loss of life in the building."

*Firefighters Use Camera to Escape Flashover/Monroe, Ohio/January 8, 2000*—A house fire in Monroe, Ohio, that took the lives of three civilians on January 8 nearly took the lives of two firefighters who were battling the blaze. Firefighters Scott Clasgens and Andrew Turner narrowly escaped entrapment after a nearby room exploded in flames. Their comrades used the department's Bullard Thermal Imaging Camera to find them and lead them to safety.

Firefighter Clasgens recounted the situation. "We tried to get out of the house, but there were flames in the stairwell on one end of the hallway, and flames shooting out of the bedroom on the other end. We were trapped in about a three by three space," he said. "All kinds of things flash through your mind in a situation like that. When we perceived we were trapped, the heat seemed even hotter."

At that point, Firefighter Turner made a distress call on his radio: "Mayday, Mayday, Mayday, firefighters trapped." Firefighters Verdin and King were on their way out of the structure when they heard the call. Using their thermal imaging camera to navigate, they rushed into the hallway, extinguishing flames on the staircase, and found their comrades in about 20 seconds. Clasgens estimates that without the thermal imaging camera, it could have taken three to four minutes for Verdin and King to find them "by feel" in the hallway.

Fire Chief Mark Neu said that the situation could have turned out very differently if thermal imaging technology hadn't been available on the scene. "We could have lost two firefighters that day," Chief Neu said. "I can't tell you how happy I am that we had that camera."

*Elderly Woman Rescued/Somers, Conn./Dec. 23, 1999*—When firefighters were called to the home of Antoinette Pirog, they had a report of an elderly bed-ridden woman trapped in the house. Firefighter Steve Minikowski arrived on scene with the protection of a hoseline and the Bullard Thermal Imaging Camera.

Minikowski recounted the scene from his perspective. "I scanned to the right and saw that the kitchen was clear. Then I scanned to the left into the living room, and I saw her right away—about 15 feet away from the camera. She really stood out because she was the hot spot in that particular room. She showed as glowing white on the screen."

Minikowski carried Pirog out of the house, while Van Tassel navigated with the thermal imaging camera. The rescue was made about 15 seconds after entry into the burning structure. Pirog was quickly lifted into the ambulance and rushed to



Johnson Memorial Hospital in Stafford, where she was treated for smoke inhalation and released later that night.

*Toddler Rescued/Franklin, Ind./Oct. 9, 1999*—Two year-old Zachary Sheets was lying face down in the hallway outside of his blazing bedroom, barely breathing when firefighters arrived on the scene. Two firefighters charged through the thick black smoke into Zachary's room, knocking down the fire with their hoseline and beginning a search of the room on their hands and knees.

Mark Hash arrived with the second unit and ran into the house with the Bullard Thermal Imaging Camera. Within seconds of entering, he saw the heat signature of Zachary's body on the screen of the camera, tapped Firefighter Tim Coble for assistance and quickly removed the toddler.

Firefighter Mark Hash recounted the rescue from his perspective. "He jumped right out at me. There was no mistaking him for anything else. In the screen of the camera, he looked like a baby doll as plain as day lying on the floor."

*Speedy Search Aides Rescue/Charlottesville, Va./July 21, 1999*—When Charlottesville Firefighter Mike Oprandy forced open the door of the burning house, the smoke was so thick that he might as well have had his eyes shut. Somewhere in that house was Jesse Wicks, and Oprandy knew that he would find him.

Crawling along the floor with his camera, Oprandy searched the first level of the structure in less than a minute in zero visibility. Oprandy and another firefighter, Clinton Wingfield, moved swiftly to second level of the home, finding the stairs easily with the camera. When they forced open the door at the top of the stairs, Wicks was sitting on his bed. Firefighters safely removed him to the fresh air outside.

Battalion Chief Charles L. Werner said thermal imaging technology was critical in saving the 43 year-old man's life. "Without the camera, it would have taken us five minutes to search through the thick smoke before going to the second floor. And after five minutes, Mr. Wicks would have suffered serious injury and most likely would have died from smoke inhalation."

*Firefighters Avoid Falling Through a Floor/Delta Township, Mich./July 8, 1999* — When firefighters near Lansing, Michigan responded to a call in July about house fire, they arrived to find the structure filled with blinding smoke and the fire burning through the roof. Firefighters were uncertain about whether anyone was trapped inside when they forced open the kitchen door.

Fire Marshall Paul Fabiano led with the Bullard Thermal Imager. "The kitchen was black with smoke, so we couldn't see anything without the camera," Fabiano said. "When I scanned the floor, I saw that the first part of the kitchen floor was still intact, but the center of the floor was completely gone. So we turned around and made entry through the front door."

Fabiano continued, "Firefighters are trained to "sound" or test the floor while crawling along. In the heat of the excitement and the with the possibility of trapped people, the firefighters may have hurried and actually gone through the floor."

*Firefighters Escape Before Roof Collapse/Granbury, Tx./December 29, 1998*—The Granbury, Texas, Volunteer Fire Department was called to a fire at an old wooden auto repair warehouse in this community just outside of Fort Worth. They entered the office area and scanned the ceiling, seeing that the support beams were almost completely burned through in several locations. Firefighters evacuated. Minutes later, the building collapsed where they had been standing.

Captain Scott Cook of Granbury was one of the four firefighters who escaped. "No firefighters were trapped; no one was injured, and the fight continued. This entire event occurred less than 5 minutes after the initial entry. Without the view the imager gave us, the four-man crew might not have come out," Cook said.