

**H.R. 1118: STAFFING FOR ADEQUATE
FIRE AND EMERGENCY RESPONSE (SAFER)
ACT OF 2003**

HEARING
BEFORE THE
COMMITTEE ON SCIENCE
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

JUNE 4, 2003

Serial No. 108-15

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**H.R. 1118, STAFFING FOR ADEQUATE FIRE
AND EMERGENCY RESPONSE (SAFER) ACT
OF 2003**

WEDNESDAY, JUNE 4, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC.

The Committee met, pursuant to call, at 10 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Sherwood L. Boehlert (Chairman of the Committee) presiding.

**COMMITTEE ON SCIENCE
U.S. HOUSE OF REPRESENTATIVES**

***H.R. 1118 The Staffing for Adequate Fire and Emergency Response
(SAFER) Act of 2003***

Wednesday, June 4, 2003
10:00 AM
2318 Rayburn House Office Building (WEBCAST)

Witness List

Panel 1

**Representative Curt Weldon
Representative Bill Pascrell**

Panel 2

Senator Christopher Dodd

Panel 3

Hon. James Shannon
President
National Fire Protection Association

Mr. Michael Quill
Chief
Auburn, New York Fire Department

Mr. Jeff Cash
Chief
Cherryville, North Carolina Fire Department

Mr. Mike McNeill
9th District Vice President
International Association of Firefighters (IAFF)
Denver, Colorado

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HEARING CHARTER

**COMMITTEE ON SCIENCE
U.S. HOUSE OF REPRESENTATIVES**

**H.R. 1118, Staffing for Adequate
Fire and Emergency Response (SAFER)
Act of 2003**

WEDNESDAY, JUNE 4, 2003
10:00 A.M.—12:00 P.M.
2318 RAYBURN HOUSE OFFICE BUILDING

1. PURPOSE

On Wednesday, June 4, 2003, the House Science Committee will hold a hearing to receive testimony on H.R. 1118, *Staffing for Adequate Fire and Emergency Response (SAFER) Act of 2003*, introduced by Chairman Boehlert on March 6, 2003.

2. WITNESSES

The Honorable James Shannon is a former member of Congress and President of the National Fire Protection Association (NFPA), a nonprofit organization with 75,000 members aimed at reducing the burden of fire hazards by providing and advocating scientifically-based consensus codes and standards, research, training, and education.

Mr. Michael Quill is chief of the Auburn, New York Fire Department. The Auburn Fire Department serves a population 29,000 and is staffed by approximately 70 career firefighters.

Mr. Jeff Cash is chief of the Cherryville, North Carolina Fire Department. The Cherryville F.D. serves a community of 5,800 and is staffed by eight full-time and 30 volunteer firefighters.

Mr. Mike McNeill is 9th District Vice President of the International Association of Firefighters (IAFF) in Denver, Colorado.

3. OVERARCHING QUESTIONS

The hearing will address the following overarching questions:

- What are some of the personnel challenges facing urban and rural, volunteer and career fire departments in terms of preparedness and response capabilities?
- How have issues such as changing demands on the fire services, the threat of terrorism, and National Fire Protection Association (NFPA) staffing standards affected the ability of the fire services to respond to emergencies? How have these issues, along with tight State and local government budgets, affected the need to address staffing issues?
- Why should the Federal Government become involved in the staffing of local fire departments?
- How can H.R. 1118 best address the personnel-related findings and recommendations of the Congressionally mandated report, *A Needs Assessment of the U.S. Fire Service*?

4. BRIEF OVERVIEW

- In 1974, Congress enacted the *Federal Fire Prevention and Control Act*, which established the United States Fire Administration (USFA) in response to the loss of life and property to fire. Since that time, USFA has helped reduce deaths and other fire-related losses through data collection, public education, research, and training.
- Today, almost 30 years since USFA was created, fire-related injuries and losses are dramatically lower. However, the U.S. still has one of the worst fire safety records in the industrialized world, including a per capita death rate significantly higher than most other developed countries.

- As part of a larger effort to address these continued safety concerns, the National Fire Protection Association (NFPA) developed comprehensive standards to guide career and volunteer fire departments on the minimum number of personnel needed for safe and effective firefighting in various emergency situations. The standards, known as NFPA 1710 and NFPA 1720, were formally approved by NFPA in August 2001.
- The International Association of Fire Chiefs (IAFC) has estimated that two-thirds of the Nation's 26,000 fire departments do not meet the recommended minimum staffing called for in the NFPA standards, and that 75,000 new firefighters would be needed to bring those departments into compliance.
- On March 6, 2003, Chairman Boehlert introduced H.R. 1118, *Staffing for Adequate Fire and Emergency Response (SAFER) Act of 2003*, which authorizes the USFA to award grants to career, volunteer, and combination fire departments for the purpose of hiring new firefighters.
- On May 22nd, 2003, an amendment to the FY 2004 Senate Defense Authorization bill containing language establishing a modified version of the SAFER grant program was offered by Senator Dodd and passed by the Senate. The Science Committee will be a conferee to this section of the bill.

5. BACKGROUND

In the early 1970's, the President's National Commission on Fire Prevention and Control issued *America Burning*, a report that outlined the glaring deficiencies in the Nation's fire program. According to the report, nearly 12,000 lives were lost, nearly 300,000 men, women and children were injured and more than \$3 billion in economic losses were suffered due to fire annually. In response, Congress passed the National Fire Prevention and Control Act of 1974 to create the United States Fire Administration (USFA) and to establish a federal role in fire protection.

In 2000, Congress established the Assistance to Firefighters grant program within USFA to provide fire departments with direct financial assistance toward meeting basic minimum equipment and resource needs (P.L. 106-398). Now in its third year, the program has grown from a \$100 million appropriation in FY 2001 to \$745 million in FY 2003. It is authorized at \$900 million through FY 2004. USFA received almost 20,000 applications seeking over \$2 billion for this year's grant program. The grants were reviewed and ranked by panels of firefighters in April, and USFA will begin announcing recipients in mid-June.

Today, USFA, a directorate within the Federal Emergency Management Agency (FEMA), is the national leader in fire safety and prevention, supporting the efforts of local communities to reduce the number of fires and fire deaths. Located in Emmitsburg, Maryland, USFA has overall responsibility for fire prevention and control, including training, public education, research, and data collection and analysis. On March 1, 2003, FEMA and USFA officially became part of the Emergency Preparedness and Response Directorate of the Department of Homeland Security.

Fire in the United States

Since the creation of USFA, fire losses in the United States have decreased significantly. Data on fire-related losses from 1989 to 1998 show the number of fires, injuries, and economic losses declining by 21, 27, and 28 percent from the previous decade, respectively. Yet, despite these successes, the United States still has one of the worst fire safety records in the industrialized world, with a per capital death rate that is two-to-three times several European nations and at least 20 percent higher than most developed countries. Approximately 4,000 people continue to die each year from fire, including an average of 100 firefighters (446 died in 2001, 343 of whom were killed during the World Trade Center rescue effort). Every 18 seconds, a fire department responds to a call somewhere in the United States.

Improvements in incident reporting and data analyses of these fire calls have helped to identify areas where gaps in safety exist. For instance, analyses undertaken by USFA's National Fire Data Center show that structure fires (commercial and residential buildings), while accounting for just over 25 percent of all fires, are responsible for the overwhelming majority of deaths, injuries, and economic losses. Most dangerous of these fires are those in residential homes, accounting for 70 percent of all fire deaths each year. In fact, firefighters are nearly ten times more likely to be injured in a structure fire than all other fires combined, and the evidence suggests that inadequate staffing is one of the primary causes for the higher injury rate. According to the data, 69 percent of jurisdictions with crew sizes of four or fewer firefighters had injury rates of ten or more per 100 firemen, but only 38 percent of those with crew sizes of four or more firefighters had comparable injury rates.

Fire Services Staffing Standards

In 2001, the National Fire Protection Association (NFPA), the private, standard setting body for fire related issues, approved voluntary standards to provide comprehensive and uniform guidelines for the minimum number of personnel needed for safe and effective firefighting in various situations, so that fire departments would be fully capable of safely extinguishing the fires and minimizing the loss of life and property. Specifically, NFPA 1710, the “Standard for the Organization and Deployment of Fire Suppression, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments,” required each firefighter unit or “company” (i.e., engine company, ladder company, squad, etc.) to include at least four firefighters for standard firefighting, and five to six personnel in hazardous or high-risk areas. NFPA 1720, the “Standard on Volunteer Fire Service Deployment,” required an initial assembly of at least four volunteer personnel before fire suppression activities can begin at a structural fire.

NFPA is not a governmental agency and it does not have the authority to impose regulation on fire departments, but many state and local jurisdictions have either incorporated or plan to incorporate NFPA 1710 and 1720 into their fire codes. Further, because of legal concerns, many fire departments are seeking to come into compliance regardless of whether the standards have been officially adopted in their jurisdictions. NFPA 1710 and 1720 are also expected to improve compliance with the Occupational Safety and Health Administration’s (OSHA) “2-in/2-out” rule. This rule, established in 1998, requires that each two-man attack team be assisted by a two man back up team outside of all buildings for all fires that are determined to be Immediately Dangerous to Life and Health (IDLH).

Finally, the increased staffing under NFPA 1710 and 1720 is expected to help to address the expanding responsibilities of the fire services. In recent years, communities and their citizens have grown accustomed to relying on fire departments to respond to a range of emergency situations, including medical emergencies, hazardous materials, natural disasters, bombs, and acts of terrorism. In addition to the increased training and equipment needs, this expanded role also requires an increase in staffing. Yet, according to the International Association of Fire Chiefs, approximately two-thirds of the Nation’s 26,000 fire departments do not currently have adequate staffing, and that 75,000 new firefighters would need to be hired to bring all departments into compliance.

FEMA–NFPA Needs Assessment

In the legislation that established the USFA Assistance to Firefighters Grant Program (P.L. 106–398, Section 1701), Congress required FEMA to conduct a study in conjunction with NFPA to:

- (a) define the current role and activities associated with the fire services;
- (b) determine the adequacy of current levels of funding; and
- (c) provide a needs assessment to identify shortfalls.

The comprehensive undertaking surveyed fire department capabilities in a wide range of subject areas, including: personnel and their capabilities; fire prevention and code enforcement; facilities, apparatus, and equipment; communications and communications equipment; ability to handle unusually challenging incidents; and new and emerging technology.

The NFPA analysis of fire service personnel capabilities provides a detailed look at fire services demographics and challenges facing local departments across various types of communities and emergency situations. The survey estimates that there about 1.1 million firefighters in the country (Table 1), about 75 percent of whom are volunteers. Only 10 percent of fire departments are either all-career or mostly-career, but these departments protect about two-thirds of the U.S. population.

The Needs Assessment also revealed a significant amount of information on the number of personnel typically responding to various emergency situations. For example, the survey found that 21 percent of volunteer departments protecting communities with fewer than 2,500 people respond with an average of four or fewer volunteers to mid-day house fires. According to the survey, this translates into at least 86,000 firefighters serving in departments where compliance with minimum response standards is a problem. Similar concerns were found with regard to career departments. An estimated 73,000 career firefighters serve in departments (that protect communities of over 50,000 people) that have fewer than four career firefighters assigned to an engine—the minimum number called for in the NFPA 1710 Standard.

Table 1. Number of Career, Volunteer, and Total Firefighters by Size of Community

Population Protected	Career Firefighters	Volunteer Firefighters	Total Firefighters
1,000,000 or more	32,700	150	32,850
500,000 to 999,999	28,400	4,900	33,300
250,000 to 499,999	26,600	4,250	30,850
100,000 to 249,999	39,750	8,550	48,300
50,000 to 99,999	37,750	11,000	48,750
25,000 to 49,999	40,000	29,300	69,300
10,000 to 24,999	38,850	86,050	124,900
5,000 to 9,999	12,200	112,300	124,500
2,500 to 4,999	5,050	157,600	162,650
Under 2,500	4,800	408,750	413,550
Total	266,100	822,850	1,088,950

Source: FEMA/NFPA

Table 2. Average Number of Career/Paid Firefighters per Department on Duty Available to Respond to Emergencies, by Size of Community

Population Protected	Number of Firefighters
1,000,000 or more	355.1
500,000 to 999,999	217.4
250,000 to 499,999	127.2
100,000 to 249,999	52.9
50,000 to 99,999	24.0
25,000 to 49,999	18.8
10,000 to 24,999	7.3
5,000 to 9,999	3.6
2,500 to 4,999	2.0
Under 2,500	1.0

Source: FEMA/NFPA

6. H.R. 1118, STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) ACT—SUMMARY

On March 6, 2003, Chairman Boehlert introduced H.R.1118, *Staffing for Adequate Fire and Emergency Response (SAFER) Act of 2003*. The purpose of the legislation is to help communities across America meet new minimum staffing standards for the fire services so they have adequate manpower to protect against fires, acts of terrorism, and other hazards. A similar federal hiring program to increase the number of police officers protecting America's communities exists within the Department of Justice.

The legislation authorizes \$7.6 billion over seven years for the USFA to award grants to State and local governments to pay the salaries and benefits for three years for each new firefighter. Under the legislation, all fire departments, volunteer and career, would be eligible to apply. In exchange, the grantee would have to retain the new hires for at least one year following the termination of the grant and they would have to put up a nonfederal funding match of 25 percent.

Several versions of SAFER were introduced during the 107th Congress, including H.R. 3992 (Boehlert), and, on October 2, 2002, the House Science Committee had a hearing on the legislation. This year, Senator Dodd (D-CT) has introduced Senate companion legislation to H.R. 1118 (S. 544). H.R. 1118 has been endorsed by the International Association of Fire Chiefs (IAFC), IAFF, and NFPA.

On May 22nd, 2003, an amendment to the FY 2004 Senate Defense Authorization bill containing language establishing a modified version of the SAFER grant program was offered by Senator Dodd and passed by the Senate. The amendment differs from H.R. 1118 in several aspects. Most significantly, the Dodd language does not explicitly designate USFA as the granting agency and does require that grants go directly to local departments (these changes were likely made for jurisdictional reasons). Also, the amendment authorizes funds to carry out the SAFER program for three years, not seven years as in H.R. 1118.

7. QUESTION FOR WITNESSES

In addition to providing comments and recommendations for improvement to H.R. 1118, the witnesses were asked to address the following questions in their testimony:

Questions for Mr. Shannon

- How do the findings of the recent FEMA/NFPA study, *A Needs Assessment of the U.S. Fire Service*, relate to personnel and their capabilities? In particular, how extensive are personnel shortfalls (in career, volunteer, and combination departments), and how are they endangering the safety of firefighters and hindering the ability of first responders to effectively protect the public from fires and other hazards?
- With regard to personnel, how are fire department demographics changing, and how do staffing challenges differ across departments of varying sizes and capabilities? What steps does NFPA recommend Federal, State, and local governments take to address staffing issues?
- How would implementation of the NFPA 1710 and 1720 staffing and response standards improve the ability of fire departments to safely and effectively respond to emergencies? What is the level of adoption and implementation since the standards were finalized two years ago? What impediments exist to broader adoption of the standards and what steps can be taken to remove them?

Questions for all other witnesses

- Why should the Federal Government become involved in staffing and equipping local fire departments?
- How have changes related to emergency response service expectations, state and local budget allocations, and National Fire Protection Association personnel standards affected your department's ability to meet staffing demands? How have the above issues generally affected other departments in your area, and how are they working to meet their staffing and training needs?

APPENDIX I

SECTION-BY-SECTION OF H.R. 1118

Sec. 1. Short Title.

“Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003”

Sec. 2. Office of Grant Management.

Amends the Federal Fire Prevention and Control Act of 1974 (15 USC 2201), redesignating current sections 33 and 34 as sections 35 and 36, respectively, and inserting a new section 34.

Sec. 34. Grant Authority.*Subsection (a): Authority to Make Grants.*

Authorizes the Administrator to make grants directly to career, volunteer, and combination fire departments for the purpose of increasing the number of firefighters to help communities meet industry minimum standards to provide adequate protection from fire and fire-related hazards, including acts of terrorism. Authorizes a grant period of four years to hire new, additional firefighters, and requires grantees to retain newly hired firefighters for at least one year beyond the termination of the grant period. Authorizes Administrator to give preferential consideration to applicants that propose non-federal contributions in excess of the following annual minimums: 10 percent in year one; 20 percent in year two; 50 percent in year three; and 70 percent in year four. Sunsets the authority for hiring grants 10 years after enactment, and requires the Administrator to report to Congress on the grant process.

Subsection (b): Applications.

Requires applications to include, at a minimum: (A) explanation of the applicant’s inability to address the need without federal assistance; (B) explanation of how the applicant plans to meet the matching requirements in subsection (a); (C) long-term plans for retaining firefighters following the conclusion of federal support; and (D) assurances that the applicant will recruit and hire members of racial and ethnic minority groups, and women.

Subsection (c): Limitation on use of Funds.

Limits funding under the grant program to salaries and benefits for hiring new, career firefighters, and requires that funding does not supplant State or local funds. Requires that total funding over four years for hiring a firefighter must not exceed \$100,000, and adjusts the cap annually for inflation beginning in FY 2005.

Subsection (d): Performance Evaluation.

Authorizes the Administrator to require grant recipients to submit any information the Administrator considers necessary to evaluate the grant program.

Subsection (e): Revocation or Suspension of Funding.

Authorizes the Administrator to revoke funding if a grant recipient is not in substantial compliance with the terms of an approved application.

Subsection (f): Access to Documents.

Authorizes the Administrator (as well as the Comptroller General) to have access to all records pertaining to the grant.

Subsection (g): Definitions.

Defines ‘firefighter’ as ‘an employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who—(1) is trained in fire suppression, has the legal authority and responsibility to engage in fire suppression, and is employed by a fire department of a municipality, county, fire district, or State; and (2) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk. (definition of ‘employee in fire protection activities’ in the Fair Labor Standards Act, 29 USC 203(y)).

Defines ‘Indian Tribe’ as ‘a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians’.

Subsection (h): Authorization of Appropriations.

Authorizes \$1,000,000,000 for FY 2004;

\$1,030,000,000 for FY 2005;
\$1,061,000,000 for FY 2006;
\$1,093,000,000 for FY 2007;
\$1,126,000,000 for FY 2008;
\$1,159,000,000 for FY 2009; and
\$1,194,000,000 for FY 2010.

APPENDIX II

Text of Dodd amendment to FY 2004 Senate Defense Authorization bill (S. 1050, SAFER begins at subsection (f))

SA 785. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 852. FEDERAL SUPPORT FOR ENHANCEMENT OF STATE AND LOCAL ANTI-TERRORISM RESPONSE CAPABILITIES.

(a) PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.—

(1) ESTABLISHMENT OF PROGRAM.—The President shall designate an officer or employee of the United States—

(A) to establish, and the designated official shall establish, a program under which States and units of local government may procure through contracts entered into by the designated official anti-terrorism technologies or anti-terrorism services for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism; and

(B) to carry out the SAFER grant program provided for under subsection (f).

(2) DESIGNATED FEDERAL PROCUREMENT OFFICIAL FOR PROGRAM.—In this section, the officer or employee designated by the President under paragraph (1) shall be referred to as the “designated federal procurement official”.

(3) AUTHORITIES.—Under the program, the designated federal procurement official—

(A) may, but shall not be required to, award contracts using the same authorities as are provided to the Administrator of General Services under section 309(b)(3) of the Federal Property and Administrative Services Act (41 U.S.C. 259(b)(3)); and

(B) may make SAFER grants in accordance with subsection (f).

(4) OFFERS NOT REQUIRED TO STATE AND LOCAL GOVERNMENTS.—A contractor that sells anti-terrorism technology or anti-terrorism services to the Federal Government may not be required to offer such technology or services to a State or unit of local government under the program.

(b) RESPONSIBILITIES OF THE CONTRACTING OFFICIAL.—In carrying out the program established under this section, the designated federal procurement official shall—

(1) produce and maintain a catalog of anti-terrorism technologies and anti-terrorism services suitable for procurement by States and units of local government under this program; and

(2) establish procedures in accordance with subsection (c) to address the procurement of anti-terrorism technologies and anti-terrorism services by States and units of local government under contracts awarded by the designated official.

(c) REQUIRED PROCEDURES.—The procedures required by subsection (b)(2) shall implement the following requirements and authorities:

(1) SUBMISSIONS BY STATES.—

(A) REQUESTS AND PAYMENTS.—Except as provided in subparagraph (B), each State desiring to participate in a procurement of anti-terrorism technologies or anti-terrorism services through a contract entered into by the designated federal procurement official under this section shall submit to that official in such form and manner and at such times as such official prescribes, the following:

(i) **REQUEST.—**A request consisting of an enumeration of the technologies or services, respectively, that are desired by the State and units of local government within the State.

(ii) **PAYMENT.—**Advance payment for each requested technology or service in an amount determined by the designated official based on estimated or actual costs of the technology or service and administrative costs incurred by such official.

(B) OTHER CONTRACTS.—The designated federal procurement official may award and designate contracts under which States and units of local government may procure anti-terrorism technologies and anti-terrorism services directly from the contractors. No indemnification may be provided under Public Law 85–804 pursuant to an exercise of authority under section 851 for procurements that are made directly between contractors and States or units of local government.

(2) PERMITTED CATALOG TECHNOLOGIES AND SERVICES.—A State may include in a request submitted under paragraph (1) only a technology or service listed in the catalog produced under subsection (b)(1).

(3) COORDINATION OF LOCAL REQUESTS WITHIN STATE.—The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for anti-terrorism technologies or anti-terrorism services from units of local government within the State.

(4) SHIPMENT AND TRANSPORTATION COSTS.—A State requesting anti-terrorism technologies or anti-terrorism services shall be responsible for arranging and paying for any shipment or transportation of the technologies or services, respectively, to the State and localities within the State.

(d) REIMBURSEMENT OF ACTUAL COSTS.—In the case of a procurement made by or for a State or unit of local government under the procedures established under this section, the designated federal procurement official shall require the State or unit of local government to reimburse the Department for the actual costs it has incurred for such procurement.

(e) TIME FOR IMPLEMENTATION.—The catalog and procedures required by subsection (b) of this section shall be completed as soon as practicable and no later than 210 days after the enactment of this Act.

(f) SAFER GRANT PROGRAM.—

(1) AUTHORITY.—The designated federal procurement official in cooperation with the Secretary of the Department of Homeland Security or his designee, is authorized to make grants to eligible entities for the purpose of supporting increases in the number of permanent positions for firefighters in fire services to ensure staffing at levels and with skill mixes that are adequate emergency response to incidents or threats of terrorism.

(2) USE OF FUNDS.—The proceeds of a SAFER grant to an eligible entity may be used only for the purpose specified in paragraph (1).

(3) DURATION.—A SAFER grant to an eligible entity shall provide funding for a period of 4 years. The proceeds of the grant shall be disbursed to the eligible entity in 4 equal annual installments.

(4) NON-FEDERAL SHARE.—

(A) REQUIREMENT.—An eligible entity may receive a SAFER grant only if the entity enters into an agreement with the designated federal procurement official to contribute non-federal funds to achieve the purpose of the grant in the following amounts:

(i) During the second year in which funds of a SAFER grant are received, an amount equal to 25 percent of the amount of the SAFER grant funds received that year.

(ii) During the third year in which funds of a SAFER grant are received, an amount equal to 50 percent of the amount of the SAFER grant funds received that year.

(iii) During the fourth year in which funds of a SAFER grant are received, an amount equal to 75 percent of the amount of the SAFER grant funds received that year.

(B) WAIVER.—The designated federal procurement official may waive the requirement for a non-federal contribution described in subparagraph (A) in the case of any eligible entity.

(C) ASSET FORFEITURE FUNDS.—An eligible entity may use funds received from the disposal of property transferred to the eligible entity pursuant to section 9703(h) of title 31, United States Code, section 981(e) of title 18, United States Code, or section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a) to provide the non-federal share required under paragraph (1).

(D) BIA FUNDS.—Funds appropriated for the activities of any agency of a tribal organization or for the Bureau of Indian Affairs to perform firefighting functions on any Indian lands may be used to provide the share required under subparagraph (A), and such funds shall be deemed to be non-federal funds for such purpose.

(5) APPLICATIONS.—

(A) REQUIREMENT.—To receive a SAFER grant, an eligible entity shall submit an application for the grant to the designated federal procurement official.

(B) CONTENT.—Each application for a SAFER grant shall contain, for each fire service covered by the application, the following information:

(i) A long-term strategy for increasing the force of firefighters in the fire service to ensure readiness for appropriate and effective emergency response to incidents or threats of terrorism.

(ii) A detailed plan for implementing the strategy that reflects consultation with community groups, consultation with appropriate private and public entities, and consideration of any master plan that applies to the eligible entity.

(iii) An assessment of the ability of the eligible entity to increase the force of firefighters in the fire service without federal assistance.

(iv) An assessment of the levels of community support for increasing that force, including financial and in-kind contributions and any other available community resources.

(v) Specific plans for obtaining necessary support and continued funding for the firefighter positions proposed to be added to the fire service with SAFER grant funds.

(vi) An assurance that the eligible entity will, to the extent practicable, seek to recruit and employ (or accept the voluntary services of) firefighters who are members of racial and ethnic minority groups or women.

(vii) Any additional information that the designated federal procurement official considers appropriate.

(C) SPECIAL RULE FOR SMALL COMMUNITIES.—The designated federal procurement official may authorize an eligible entity responsible for a population of less than 50,000 to submit an application without information required under subparagraph (B), and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of an application by such an entity.

(D) PREFERENTIAL CONSIDERATION.—The designated federal procurement official may give preferential consideration, to the extent feasible, to an application submitted by an eligible entity that agrees to contribute a non-federal share higher than the share required under paragraph (4)(A).

(E) ASSISTANCE WITH APPLICATIONS.—The designated federal procurement official is authorized to provide technical assistance to an eligible entity for the purpose of assisting with the preparation of an application for a SAFER grant.

(6) SPECIAL RULES ON USE OF FUNDS.—

(A) SUPPLEMENT NOT SUPPLANT.—The proceeds of a SAFER grant made to an eligible entity shall be used to supplement and not supplant other federal funds, State funds, or funds from a subdivision of a State, or, in the case of a tribal organization, funds supplied by the Bureau of Indian Affairs, that are available for salaries or benefits for firefighters.

(B) LIMITATION RELATING TO COMPENSATION OF FIREFIGHTERS.—

(i) IN GENERAL.—The proceeds of a SAFER grant may not be used to fund the pay and benefits of a full-time firefighter if the total annual amount of the pay and benefits for that firefighter exceeds \$100,000. The designated federal procurement official may waive the prohibition in the proceeding sentence in any particular case.

(ii) ADJUSTMENT FOR INFLATION.—Effective on October 1 of each year, the total annual amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the Consumer Price Index for all-urban consumers published by the Department of Labor for July of such year exceeds the Consumer Price Index for all-urban consumers published by the Department of Labor for July of the preceding year. The first adjustment shall be made on October 1, 2004.

(7) PERFORMANCE EVALUATION.—

(A) REQUIREMENT FOR INFORMATION.—The designated federal procurement official shall evaluate, each year, whether an entity receiving SAFER grant funds in such year is substantially complying with the terms and conditions of the grant. The entity shall submit to the designated federal procurement official any information that the designated federal procurement official requires for that year for the purpose of the evaluation.

(B) REVOCATION OR SUSPENSION OF FUNDING.—If the designated federal procurement official determines that a recipient of a SAFER grant is not in substantial compliance with the terms and conditions of the grant the designated federal procurement official may revoke or suspend funding of the grant.

(8) ACCESS TO DOCUMENTS.—

(A) AUDITS BY DESIGNATED FEDERAL PROCUREMENT OFFICIAL.—The designated federal procurement official shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of an eligible entity that receives a SAFER grant.

(B) AUDITS BY THE COMPTROLLER GENERAL.—Subparagraph (A) shall also apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

(9) TERMINATION OF SAFER GRANT AUTHORITY.—

(A) IN GENERAL.—The authority to award a SAFER grant shall terminate at the end of September 30, 2010.

(B) REPORT TO CONGRESS.—Not later than two years after the date of the enactment of this Act, the designated federal procurement official shall submit to Congress a report on the SAFER grant program under this section. The report shall include an assessment of the effectiveness of the program for achieving its purpose, and may include any recommendations that the designated federal procurement official has for increasing the forces of firefighters in fire services.

(10) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term “eligible entity” means—

- (i) a State;
- (ii) a subdivision of a State;
- (iii) a tribal organization;
- (iv) any other public entity that the designated federal procurement official determines appropriate for eligibility under this section; and
- (v) a multijurisdictional or regional consortium of the entities described in clauses (i) through (iv).

(B) FIREFIGHTER.—The term “firefighter” means an employee or volunteer member of a fire service, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who—

- (i) is trained in fire suppression and has the legal authority and responsibility to engage in fire suppression; or
- (ii) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

(C) FIRE SERVICE.—The term “fire service” includes an organization described in section 4(5) of the Federal Fire Prevention and Control Act of 1974 that is under the jurisdiction of a tribal organization.

(D) MASTER PLAN.—The term “master plan” has the meaning given the term in section 10 of the Federal Fire Prevention and Control Act of 1974.

(E) SAFER GRANT.—The term ‘SAFER grant’ means a grant of financial assistance under this subsection.

(F) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section such sums as may be necessary from the Department of Homeland Security, up to——

- (A) \$1,000,000,000 for fiscal year 2004;
- (B) \$1,030,000,000 for fiscal year 2005;
- (C) \$1,061,000,000 for fiscal year 2006;

APPENDIX III

For text of H.R. 1118, see Appendix 1: Additional Material for the Record.

Chairman BOEHLERT. Let me welcome everyone here this morning to our hearing on a very serious subject that is too rarely discussed: fire safety. I think most of us think of a fire as a distant threat, perhaps even an archaic one, and yet fire kills about 4,000 Americans each year, injures many more, and causes hundreds of millions of dollars in economic losses. But those staggering losses are not inevitable.

Since the Federal Government began investing in improving fire prevention and firefighting in 1974, the number of fire deaths has dropped by $\frac{3}{4}$. We need to do better than that. The United States still has one of the highest fire loss rates in the industrialized world. Today's hearing is really about what we can do to prevent death and destruction in every community throughout this country. Excuse me. And while firefighting is and ought to remain a local responsibility, the Federal Government has a role to play in saving lives and property, a junior role to be sure, but a significant one.

This Committee has a long history of ensuring that the Federal Government fulfills that role. Indeed, one of the first bills I authored as a Member of this committee was the Hotel/Motel Fire Safety Act many years ago, which has led to the installation of life saving fire sprinklers and smoke detectors in hotels and motels throughout the United States. As Chairman, I want to ensure that the Science Committee continues to work to protect Americans from the ravages of fire.

One way we can do that is by helping communities see that their fire departments are adequately staffed. Today, most fire departments can't meet the National Fire Protection Association standards for staffing. That is wrong, and it is dangerous. My bill, the Staffing for Adequate Fire and Emergency Response, which we affectionately call the SAFER Act, is designed to rectify that situation. And I look forward to hearing testimony on it today.

The SAFER Act recognizes that our firefighters do more than just extinguish fires, an important and often life-threatening task in and of itself. As we all learned on September 11, firefighters are our first responders to a range of emergencies, saving lives through evacuations among other tasks. Equally important is the fire prevention and education work undertaken by many of our nation's fire departments and the fire investigation work.

What it comes down to is this: without really thinking about it, we expect our fire departments to perform a range of services that are absolutely critical to health and well being, indeed, the survival of our citizens. We need to ensure that our fire departments have the staff and the equipment to carry out their work. This year, we are farther ahead in the process because a modified version of SAFER has been added to the Armed Services Bill.

And I am pleased that Senator Dodd, the lead author of this language in the Senate, will be joining us shortly. We also invited his partner in the effort, Senator Warner of Virginia, but unfortunately, his schedule would not allow him to appear. We will be hearing, first of all, from two Members of the House, including Representative Curt Weldon of our Committee, who has been a very powerful and effective voice for the fire services since he came to Congress almost 20 years ago, and Representative Pascrell, the lead Democrat sponsor of H.R. 1118. These two gentlemen are in

the forefront of the effort, and they deserve to be commended repeatedly.

Lastly, I would note that the Science Committee will be seeking to have conferees on Senator Dodd's language in the Armed Services Bill, and I look forward to working with all of my colleagues to use this opportunity to put the SAFER program into effect.

And just an added thought before I recognize the distinguished Ranking Member from Texas. Almost 20 years ago, a freshman Congressman from Pennsylvania came into my office. And I, at that time, was Ranking Member of the Subcommittee on this committee having jurisdiction over the U.S. Fire Administration, the National Fire Academy, and various programs at the federal level. And Doug Walgren of Pennsylvania, who, at that time, was the Chairman of the Subcommittee, and I sat there and listened in awe to Curt Weldon tell the story of his determined effort to build a caucus in the Congress that was going to be responsive to the needs of the fire community from coast to coast.

We were a little bit disbelieving, but we were in awe, and we signed up immediately. And that was the beginning of what is considered by one and all impartially today to be the most effective caucus on Capitol Hill. And Mr. Weldon, I can't thank you enough for what you have done over those years, a former fire chief himself back home in Pennsylvania. But he is just tenacious. And he is not the only one. It is infectious. Mr. Pascrell is the same way. And we all are now. And we annually have a banquet of the emergency responders, the fire services, that draws thousands of people to Washington, DC, all with the same purpose in mind.

You know, it has been popular since 9/11 to recognize the importance of what the Fire Service does for all of us each and every day. There are a lot of us who long before recognized the value and importance of their work. And I can think of no one who deserves higher praise than Curt Weldon for his leadership in this effort.

With that, I would like to recognize another stalwart in the battle right from the beginning, my distinguished colleague from Texas, Mr. Hall.

[The prepared statement of Mr. Boehlert follows:]

PREPARED STATEMENT OF CHAIRMAN SHERWOOD BOEHLERT

I want to welcome everyone here this morning to our hearing on a very serious subject that is too rarely discussed—fire safety. I think most of us think of fire as a distant threat, perhaps even an archaic one, and yet fire kills about 4,000 Americans each year, injures many more and causes hundreds of millions of dollars in economic losses.

But those staggering losses are not inevitable. Since the Federal Government began investing in improving fire prevention and firefighting in 1974, the number of fire deaths has dropped by two-thirds. But we need to do better than that. The United States still has one of the highest fire loss rates in the industrialized world.

Today's hearing is really about what we can do to prevent death and destruction in every community throughout this country. And while firefighting is, and ought to remain, a local responsibility, the Federal Government has a role to play in saving lives and property—a junior role to be sure, but a significant one.

This committee has a long history of ensuring that the Federal Government fulfills that role. Indeed, one of the first bills I authored as a Member of this committee was the Hotel-Motel Fire Safety Act, which has led to the installation of life-saving fire sprinklers and smoke detectors in hotels and motels throughout the United States. As Chairman, I want to ensure that the Science Committee continues its work to protect Americans from the ravages of fire.

One way we can do that is by helping communities see that their fire departments are adequately staffed. Today, most fire departments can't meet the National Fire Protection Association (NFPA) standards for staffing. That's wrong, and it's potentially dangerous. My bill, the "Staffing for Adequate Fire and Emergency Response (SAFER) Act" (H.R. 1118), is designed to rectify that situation, and I look forward to hearing testimony on it today.

The SAFER Act recognizes that our firefighters do more than just extinguish fires—an important and often life-threatening task, in and of itself. As we all learned on September 11, firefighters are our first responders to a range of emergencies, saving lives through evacuations, among other tasks. Equally important is the fire prevention and education work undertaken by many of our nation's fire departments, and the fire investigation work.

What it comes down to is this: Without really thinking about it, we expect our fire departments to perform a range of services that are absolutely critical to the health and well-being, indeed the survival, of our citizens. We need to ensure that our fire departments have the staff and the equipment to carry out their work.

This year, we are further ahead in the process because a modified version of SAFER has been added to the Armed Services bill. And I am pleased Senator Dodd—the lead author of this language in the Senate—is joining us. We also invited his partner in this effort, Senator Warner of Virginia, but unfortunately his schedule would not allow him to appear.

We will also be hearing from two Members of the House, including Representative Curt Weldon of our committee, who has been a very powerful and effective voice for the fire services since he came to Congress almost 20 years ago, and Representative Pascrell, the lead Democrat sponsor of H.R. 1118. Lastly, I would note that the Science Committee will be seeking to have conferees on Senator Dodd's language in the Armed Services bill, and I look forward to working with all of my colleagues to use this opportunity to put the SAFER program into effect.

[Note: See Appendix 1: Additional Material for the Record, for H.R. 1118.]

Mr. HALL. I ought to just yield to you the rest of my time, Mr. Chairman. Thank you. Thank you for those kind words about good friends and I have good things to say about both of these members. And for that, and because you really covered it so adequately, I will put my statement in the—on the record and ask you to put it all there.

I just will add that I am very interested in hearing more about the suggestions on how the bill might be modified to provide some assistance to volunteer fire departments, to work that in. These departments clearly need assistance in recruiting and obtaining of personnel. I—again, I want to welcome you two and welcome the other witnesses we have and thank you for your opening statement and for that recollection of a really super Member of this body and a guy that I respect and admire. And I think all of us do.

I yield back my time.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

I am pleased to join the Chairman in welcoming our witnesses to this hearing on legislation to improve the capabilities of the Nation's fire services.

In addition to welcoming Senator Dodd, I want to acknowledge his efforts to advance this legislation. He successfully offered an amendment to the Senate Defense Authorization, which added a version of SAFER to that bill.

While the devotion to duty and sacrifice that characterize fire service personnel is known and appreciated—especially in the aftermath of 9/11—there is a tendency to take the fire services for granted. Their needs often receive too low a priority in the allocation of public resources.

The SAFER bill, which we will consider today, is targeted on addressing the staffing needs of fire departments throughout the Nation. The goal is to increase the effectiveness of the fire services in performing their critical public safety role, while also improving firefighter safety.

The SAFER bill will provide the resources needed to help increase staffing levels at fire departments, in line with approved safety and effectiveness standards. It provides matching, four-year funding for hiring new firefighters, with the requirement that the grant recipient agree to retain the new hires for at least one year beyond the grant period.

The funding authorized by the bill will permit the hiring of approximately 75,000 new firefighters.

I will be interested in the views and recommendations of our witnesses on this legislation. In particular, will the bill make a substantial contribution in allowing fire departments to satisfy current OSHA and National Fire Protection Association standards for staffing levels?

And equally important, will municipalities be able to provide the sustained funding necessary to maintain the increased staffing for their fire departments after the federal subsidy ends?

I also am interested in hearing more about the suggestions of Mr. Cash on how the bill may be modified to provide assistance to volunteer fire departments. These departments clearly need assistance in recruiting and retaining of personnel.

The broader question I would like to see addressed today is what ought to be the relative priority among increased staffing levels, improved training, and better equipment for the fire services. We need to focus on addressing the key issues that will help them to achieve the overall goals of improving the Nation's fire safety record and of meeting their growing responsibilities as first responders.

Again, I want to welcome our witnesses today, and I look forward to our discussion.

Chairman BOEHLERT. Thank you very much. And your statement will appear in the record in its entirety. The Chair now recognizes the distinguished Chairman of the Subcommittee on Research, Mr. Smith of Michigan.

Mr. SMITH OF MICHIGAN. Mr. Chairman, thank you. I am sort of your replacement, because our Subcommittee on Research has oversight of the U.S. Fire Administration. And I have been trying to run and catch up with leaders like Curt Weldon and Bill Pascrell and you, Mr. Chairman, in terms of making sure that the Federal Government does what it can to strengthen our firefighting efforts.

And in 2000, we made an important breakthrough, I think, in our efforts to strengthen this support by establishing the Assistance to Firefighters Grant Program within USFA. Now we have finished the first two years. The program has been a great success, providing over 450 million in direct aid for training and equipment to fire departments all across America.

For 2003, I think with the help of leaders in Congress, we appropriated and President Bush signed into law an unprecedented \$745 million for the grant program. And of course, in addition with the Homeland Security, we have provided for states and localities another \$2 billion to various other programs to help emergency response personnel to increase their preparedness for terrorism.

Let me say that while these successes have significantly improved the ability of fire departments to respond to emergencies, I believe there is still more the Federal Government can do, and I remain committed to continue to strengthen this effort. On this bill before us today, I have some concerns. One is that we make sure that the federal spending does not replace what the local governments and municipalities might do in terms of trying to make sure that their support level for fire departments doesn't diminish as we come up with additional federal support.

I would also like to comment on the need for the firefighting community to work together in these efforts. You know, our challenge

and our goal is to increase support for firefighters in this country. There exists an—what I consider an unnecessary friction between some firefighter unions and their volunteer counterparts. And it just seems so very important, now that we have strong public support for first responders and firefighters, that we don't allow—that we take advantage of the situation to encourage more local, state, and federal support. And we need to be careful that the friction and separation between volunteers and full-time firefighters does not grow, does not increase, does not jeopardize this door opening opportunity that we have.

In my Home State of Michigan, the Professional Firefighters Union, Mr. Chairman, has been pressuring its members that volunteer on their free time to stop volunteering or face losing their union card. It just seems that this policy does nothing but exacerbate the very staffing shortfalls the union professes to be working to eliminate. And it is somewhat unfair. I think we need to look at that situation. And as we are all aware, the events, of course, of 9/11 generated so much appreciation for fire departments. I look forward to working with Mr. Weldon, Mr. Pascrell, you, Mr. Chairman, to try to make sure that we give strong national support for these first responders that are so important in every community in America.

And with that, I yield back.

Chairman BOEHLERT. Thank you very much. Let me assure you we have common objectives. And it is not the design of the SAFER Act to replace but to supplement the resources that are needed by localities across this country to get the people power that they need to adequately protect their communities.

Without objection, the opening statements of all Members of the Committee will be included in the record at this juncture.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF REPRESENTATIVE NICK SMITH

As Chairman of the Research Subcommittee, which maintains oversight of the U.S. Fire Administration (USFA), I have worked to improve federal support for the fire services since I came to Congress in 1992. In 2000, we made an important breakthrough in our effort to strengthen this support by establishing the Assistance to Firefighters Grant Program within USFA. Now having completed its first two years, the program has been a great success, providing over \$450 million in direct aid for training and equipment to fire departments all across America. For FY 2003, Congress appropriated, and President Bush signed into law, an unprecedented \$745 million for the grant program. In addition, over \$2 billion was provided to states and localities from various other programs to help emergency response personnel increase terrorism preparedness.

While these successes have significantly improved the ability of fire departments to respond to emergencies, I believe there is still more the federal government can do, and I remain committed to continuing to strengthen this effort. However, I have several concerns with the legislation before us today.

First, I am very concerned about the cost of this bill. Federal spending is wildly out of control, and deficits are once again on the rise. We simply cannot continue to spend at two to three times the rate of inflation. At over one billion dollars per year for seven years, I believe we need to find comparable offsets somewhere in the government before we authorize this amount of spending on a new program.

I am also concerned that the legislation will, in effect, reward irresponsible budgeting at the local level. For example, consider a situation where Community A overspends or places a low priority on adequate fire department staffing in its budget, while Community B operates a tight budget and places a high priority on ensuring its fire department is adequately staffed. When it comes time for USFA to evaluate grant proposals, Community A will receive the award because it will be able to dem-

onstrate a greater need to hire additional firefighters. This is clearly unfair to Community B, and another important reason why I believe appropriate staffing levels are best determined at the local level by each individual community. A move toward nationalizing fire department staffing would simply transfer the tax burden for this hiring from the local to the national level, and reduce the flexibility of individual communities to determine this level.

This is not to say that staffing shortfalls are not an important problem—indeed they are. However, I believe they can be best addressed in other ways. For instance, as the Administration has pointed out, the strong support of the Assistance to Firefighters Grant Program has relieved a great deal of budget pressure on local communities, allowing more room in fire department budgets to address items such as staffing issues. Continued strong support for the fire grant program in the years ahead will decrease these budget pressures even further.

Lastly, I would like to comment on the need for the firefighting community to work together in these efforts. Our challenge, and our goal, is to increase support for firefighters in this country. There exists an unnecessary friction between some firefighter unions and their volunteer counterparts. We cannot allow that friction and separation between volunteers and full-time firefighters to grow.

In my home state of Michigan, the Professional Firefighters Union has been pressuring its members that volunteer on their free time to stop volunteering or face losing their union card. This policy does nothing but exacerbate the very staffing shortfalls the union professes to be working to eliminate. It is also unfair to those that aspire to protect the communities and families in which they live, runs contrary to the spirit of volunteerism that President Bush has called for in this post-9/11 environment, and creates an unnecessary wedge in an otherwise united fire services.

I call upon the International Association of Firefighters to stop their practice of discriminating against career firefighters that choose to volunteer when they are off duty, and I also call upon them to end their policy of treating volunteer fire departments as “rivals.”

As we are all aware, the events of 9/11 generated a renewed appreciation and respect for firefighters and the work they do. We need to use the opportunities created by this environment to increase local, State, and federal support for firefighters. If we want to achieve this we must eliminate any in-house disagreements that threaten to sidetrack our common goals to adequately support the fire services. I look forward to a productive discussion today on an issue of great importance.

[The prepared statement of Mr. Costello follows:]

PREPARED STATEMENT OF REPRESENTATIVE JERRY F. COSTELLO

Good morning. I want to thank the witnesses for appearing before our committee to discuss the needs of fire services and ways of addressing them. Specifically, we will be discussing H.R. 1118 introduced by Chairman Boehlert.

As a member of the Congressional Fire Services Caucus, I have a deep interest in this matter. The U.S. has one of the highest fire death rates in the industrialized world. Each year, fire kills more Americans than all natural disasters combined. Approximately 4,000 people die each year from fire in America, including an average of about 100 firefighters in duty-related incidents. A significant amount of evidence suggests that if we were to increase the number of firefighter personnel, many of these preventable injuries could be avoided.

My congressional district is comprised of urban, suburban and rural communities. It is quite challenging to meet staffing inadequacies for fire departments of different sizes, capabilities, and demographics. However, H.R. 1118 helps communities address these staffing concerns by authorizing funding for the USFA to award grants to State and local governments to pay the salary and benefits for a new firefighter for three years. This legislation does require a minimum non-federal funding match of 25 percent and grantees would be required to retain the new hires for at least one year following the conclusion of the grant period. This funding program is very similar to the COPS program that has been a success for police departments nationwide. I am interested to know if you believe similar success could be duplicated for firefighter personnel.

I again want to thank the witnesses for appearing before this committee and I look forward to their testimony.

[The prepared statement of Ms. Johnson follows:]

PREPARED STATEMENT OF REPRESENTATIVE EDDIE BERNICE JOHNSON

Thank you, Chairman, for calling this important hearing to receive testimony on H.R. 1118, the Staffing for Adequate Fire and Emergency Response (SAFER) Act of 2003.

Firefighting activities are traditionally the responsibility of states and local communities. As such, funding for firefighters is provided mostly by State and local governments. During the 1990s, shortfalls in State and local budgets, coupled with increased responsibilities (i.e., counter-terrorism) of local fire departments, led many in the fire community to call for additional financial support from the Federal Government.

The foremost need of the fire service is adequate personnel. The National Fire Protection Association (NFPA), the consensus rules and standards making body of the fire service, recently issued the first minimum staffing standard for safe fire ground operations. The new minimum professional firefighter staffing standard for safe operations, NFPA 1710, mandates at least four firefighters per apparatus.

Currently, most jurisdictions operate with only two or three firefighters per apparatus. Across our nation, fire departments that serve communities with populations of less than a million are regularly understaffed. Responding to emergency incidents with less than four firefighters prevents the first responding unit from complying with OSHA's "2-in/2-out" standard for safe fireground operation, and places the lives of those firefighters in jeopardy. Departments that operate with less than minimum staffing levels cannot adequately protect their citizens from the hazards faced on a daily basis—let alone from acts of terrorism.

While fire department staffing is primarily a local government responsibility, firefighter advocates and many Members of Congress believe that the Federal Government should help shoulder some of the responsibility for our nation's domestic defense. Just as the Federal Government provides funding to local governments to hire police officers and teachers, some argue that the Federal Government should fund firefighter positions.

Studies and experience prove that adequate staffing is essential to safe and effective emergency operations.

- Currently, $\frac{1}{3}$ of our nation's fire departments do not meet the national consensus standard for staffing. Congress would never allow our Army to engage in a war with $\frac{1}{3}$ of its divisions understaffed. Incredibly, this is exactly what we are asking our local fire departments to do.
- The recently issued FEMA study, "A Needs Assessment of the U.S. Fire Service," reveals that it is common for fire departments that protect communities with a population of less than a million to respond to emergencies with less than four firefighters per apparatus.

As evidenced by the response to the World Trade Center and the Pentagon, where fire departments from many jurisdictions responded to the attacks, the Federal Government must recognize that disasters are not local events, but national tragedies that warrant a federal response.

[The prepared statement of Ms. Lofgren follows:]

PREPARED STATEMENT OF REPRESENTATIVE ZOE LOFGREN

Chairman Boelhart, Ranking Member Hall, thank you for bring this hearing together so that we can learn about some of the many challenges facing our nation's fire departments and emergency responders. In these difficult days, this is both a very timely and important issue worthy of our time and thoughtful consideration.

This hearing will shed important light on the need for the Federal Government to assist local and State governments to ensure that the fire safety and emergency response needs of our communities are met. I look forward to hearing testimony about the need for more aggressive recruitment and training of additional firefighters and emergency responders. In addition to training and keeping more firefighters, I believe the Federal Government should be active in ensuring that these brave individuals have access to the most modern fire and emergency equipment they need to ensure not only the safety of their communities but their own safety as well. If they need new firefighters vehicles, personal safety systems, protective clothing or most importantly, more fellow firefighters and emergency responders, I believe that is most appropriate for the Federal Government to assist in these efforts. Mr. Chairman, Mr. Hall, thank you for giving this opportunity to speak and to learn.

Panel 1

Chairman BOEHLERT. And now it is my privilege to welcome two of our colleagues who are experts in the subject matter. And we always like to hear from experts. This is a Committee where we are used to hearing from Nobel laureates and Ph.D.s and everything. Well, if we are going to give a doctorate or a Nobel Prize for performance, our first witness, Curt Weldon, would be the number one recipient.

With that, let me recognize our colleague from Pennsylvania, also a Member of this committee, Mr. Weldon.

STATEMENT OF HON. CURT WELDON, A REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA

Mr. WELDON. Mr. Chairman, thank you very much. Mr. Hall, thank you. You are both good friends, as is Mr. Smith and all of the Members of this committee, which I have had the pleasure of being a part of for all of the time I have been in Congress. And I should quit here, because your comments were very embarrassing to me, but I appreciate them.

Mr. Boehlert, you were there at the beginning when we first started this idea, as you outlined, with Doug Walgren. You were the earliest signer on, and you became a key part of the effort 18 years ago to recognize America's heroes. It didn't take a 9/11 for you to understand the importance of speaking up for the Fire Service. It didn't take another disaster. You understood. And for all of your constituents back in New York, they need to understand that you have been an effective leader now on this committee, both as a Ranking Member of the Subcommittee and the Full Committee Chairman, in moving the agenda forward. If it were not for you several years ago, we would not have been able to broker the compromise to Mr. Pascrell's bill, who I have the highest respect for. As a senior conferee on the defense bill, you allowed us to have the jurisdictional flexibility to put that bill on and to create the program that is now one of the most popular programs the Federal Government has. So my hat is off to you for your leadership.

And Mr. Hall, they couldn't have a better leader on the other side of the aisle than Ralph Hall. He is a tireless advocate for what is right for ordinary people. He is a champion. He speaks up for what he believes in, and I know your Texas firefighters love you, Ralph. In fact, I am supposed to be the keynote speaker in Galveston this weekend at the Texas Firefighters Association. All I can do is sing your praises for the great work that you have done.

Nick Smith has been a great newer Member of our effort for the past eight years. And he better not leave here. He told me he is thinking about that now, but we are going to—we would miss him dramatically, because he has been a true champion of the Fire Service in his role as Chairman of the appropriate Subcommittee.

Mr. Chairman, as you mentioned, when we started the fire caucus, my goal was to elevate the awareness of who the real heroes in America are. And in that capacity over the past 18 years, I have been on almost every disaster we have had, from the wildland fires in California, Oregon, and Montana, Colorado, Hurricanes Andrew and Hugo, North Ridge Earthquake, the Merit Building bombing,

the Midwestern floods, and the World Trade Center in '93 and again in 2001. And the one common thing I found in every one of those instances was the fact that the heroes were the men and women of the Fire Service. In many of those cases, they were paid professional firefighters from our big cities, but also, in many of those cases, they were professional volunteer firefighters from our small towns.

As you know, we have about 1.2 million men and women who serve in 32,000 departments in every State of the Union, and they do so day in and day out, providing so much support, not just for fires. They respond to HAZMAT incidents. They are the people who keep our community strong. The IAFF [International Association of Fire Fighters] is the largest fund-raiser each year for one of our largest charities in America. The volunteers organize our youth programs. They are the Boy Scout leaders. They are the people who run the parades and the celebrations in our towns.

If there is one group of people in America that best represents the foundation of what this country is built upon, it is the Fire Service. And the fact is that they need help, because the continual problem in every municipality in America is staffing. In our big cities, the first time the budgets are cut, where do they cut? They cut public safety. And they cut back—we have seen it in this city. I can remember times where we had one ladder truck servicing the entire City of Washington, DC where we couldn't have enough money in the city budget to buy boots so the firefighters could have adequate turnout gear. The volunteers have to raise the money to buy a \$400,000 pumper, and at the same time, they have to work a full-time job, and then they also have to take care of their families and respond for training and emergency response purposes. It is a great effort in America that the Fire Service, for a time older than America has been a country, has been there to keep our nation strong and safe.

Your bill, and the bill introduced by Senator Dodd, goes a long way to address the staffing concerns. I am an original cosponsor of your bill, because you are right on the mark. We need to do more to help these people. And I am here to say that I fully support the effort. And I will be using my voice and my effort on the Armed Services Committee, as the Vice-Chairman of the House Committee, and as a senior conferee to work to enact the kind of changes that we can come to terms with based on your bill that I think reflect the needs of the Fire Service in this country. We did that several years ago, and there is no reason why we can't do it again today.

For those who say there is no role for the Federal Government, I would say well then how can we fund \$4 billion a year for local police protection? \$4 billion a year. Everything from the cost of hiring additional police officers to half of the cost for bulletproof vests the police officers wear in our towns. Is the life of a police officer or a soldier that much more important than a firefighter or a paramedic? I say, and I know you do, too, the answer is no.

Mr. Chairman, the only thing I would ask you is—to do is to continue to have your staff work with my staff and Bill Pascrell's staff on a compromise that I would hope to offer as a senior conferee on the Defense Committee so that we can move something through.

And I would just make five quick points that I would like to see in a compromise. And with your leadership, I am sure we can accomplish it. Your staff is aware of these. The first is that I would shift the grants currently in the Dodd bill that would go to the states in line to what you want. These grants should go to local fire departments. We don't need state bureaucracies siphoning off administrative costs, which they always do. The money should go directly to the fire departments. The model that we have under the grant program is working overwhelmingly well. Everyone has said that. And so I would say that any compromise should include the kind of direction that you laid out in your bill.

The second, we must put in a provision that bars municipalities and departments from funding firefighter activities lower than the average of the previous three years. That guarantees that any federal money coming in will not, in fact, be used to offset money that is being taken away locally. That guarantees that cities must keep their funding for the Fire Service at the same level if they expect to get funds through this program.

The third is a nondiscrimination clause. It says that this program can not allow any discrimination to occur within the fire departments of America. The fourth authorizes the funds through 2010. Senator Dodd's amendment only goes for three years. The amendment that I would like to see us agree to would take this through 2010 and also would have a slightly higher dollar amount. And finally, we have a competitive peer review process where the Fire Service itself is involved in evaluating who, in fact, wins.

And one of the most important additions, Mr. Chairman, that I think we need is a provision that allows, at a minimum, \$100 million a year for a competitive grant program for the recruitment and retention of volunteers. Now some would say, "How do you do that?" Well, you don't have to look any further than this document. This document was prepared by the U.S. Fire Administration in cooperation with the National Volunteer Fire Council and FEMA. It has pages and pages of ideas of how to assist our volunteer fire departments to recruit and retain volunteers. That is a staffing issue that we can't ignore. So while we want to support a grant program that provides relief for our big cities, we can not, and we must not ignore the staffing needs of the volunteers, because they have an enhanced challenge. They have firefighters who have to work full-time jobs. And so I think we have to have a special pot of money that is available for volunteer organizations to come up with creative retention and recruitment programs that can help them with the vital staffing needs they have.

So Mr. Chairman, I want to thank you. You have been a dynamic leader in this Congress both as a Chairman of the Science Committee, but also as an advocate for the Fire Service. And I want to thank my good friend, Ralph Hall, and also Nick Smith, because together, you make a dynamic team.

Thank you.

Chairman BOEHLERT. Thank you very much. Next time, would you bring a little more enthusiasm to the—thank you very much, Mr. Weldon.

And another stalwart in the battle right from the beginning, since the first day he arrived in this town, Bill Pascrell from New

Jersey. We have a decided northeast appreciation for the fire services, and we are now joined by Senator Dodd, who will be the third witness, Senator.

Bill, I want to thank you so much for what you have done in support of the fire services and emergency responders. You were there every step of the way. You have had the experience on the firing line from the municipal government standpoint. And that has been an invaluable addition to our dialogue. So with that, I welcome you to offer your testimony. Your complete statement will appear in the record in its entirety. And we ask you to proceed as you wish.

**STATEMENT OF HON. BILL PASCRELL, JR., A
REPRESENTATIVE FROM THE STATE OF NEW JERSEY**

Mr. PASCRELL. Thank you very much.

You know, Boehlert and Smith and Hall and Weldon and Dodd and Dewine did not need 9/11. We worked very hard beginning in 1999 together with the fire services. They said it couldn't be done. In fact, you mentioned it before, Mr. Chairman. And we struggled with a few cosponsors then we got up to 285. And we passed this legislation thanks to the folks that have been here for so many years fighting and laying the foundation for, what I think, was a great breakthrough, because the dollars went directly to the departments and not to any state bureaucracy. I think this is one of the reasons we have been successful. And FEMA has done a great job. And I think the firefighters themselves who volunteered to review the applications, the 20,000 applications, I think the program is successful. And if it is not broken, don't fix it. So the process, I think, needs to be looked at.

I want to associate myself, also, with the gentleman from Pennsylvania's remark about the suggestions concerning our legislation. And I would support each of those.

This is absolutely critical for the Congress to address the staffing needs of our nation's fire departments. Here are some facts. Two-thirds of all of the fire departments, career and voluntary, operate with inadequate staffing. That is unacceptable. These are the basic services that fire departments have to respond to every day. How can any of us, as elected officials, allow this to continue?

In communities of at least 50,000 people, 38 percent of firefighters are regularly part of response that is not sufficient to safely initiate an interior attack on a structure fire because of the lack of staffing. That is a fact. Twenty-one percent of rural departments are often unable to deliver four firefighters needed to safely initiate an interior attack. In Buffalo, Washington, DC, New York, and Worcester, Massachusetts, just to name but a few, firefighters have been killed because of the lack of staffing. In each of these cases, if there had been a team in place that accounted for the firefighters who were putting out fires inside of buildings, they would be alive today.

The New Jersey Division of Fire Safety Report issued this past March, regarding a fire in the City of Passaic, which is part of my District—this report right here that I have in my right hand, it is a devastating report about a firefighter who lost his life in that fire because of insufficient staffing. It seemed to have fostered a culture of individualism because of the lack of that staffing, the report

says, in a fire department over a long period of time. And a lack of supervision due to short staffing made it difficult to address the situation. The problem that the Passaic Fire Department related to a lack of staffing and culminated in the death of my friend, Firefighter Alberto Tirado. He went to the third floor of a structure by himself in an effort to do his duty, and he died because of it. And the family died and is trying to resuscitate itself.

This is happening in my District. It is happening in your District. It is happening throughout the Nation. And things are getting worse instead of better. Departments all across the country are laying off firefighters, today's paper, the New York papers in New York City. The current economic malaise that we find ourselves in has many local jurisdictions facing tough decisions and judgment calls. The challenges of a changed world have irrevocably altered the role of our firefighters. Along with all of the other profound responsibilities of which the profession has been charged, firefighters are now the front line defenders against terrorism within our borders.

We are serious, truly serious about our national security, about the safety of our people. Then the Federal Government has an obligation to assist the local departments. We have established that precedent in 2000. In 1999, when I introduced the Firefighter Investment Response Act to provide federal grants directly to local fire departments, we gathered together because the need was there. It was enunciated. It was pronounced across the political spectrum: from the left, from the right, from the center. People flocked to support this legislation, because it was necessary in our hometowns throughout America.

The original draft of the FIRE Act tried to get more firefighters into uniform to help fire departments meet their staffing shortages. So I am excited that the SAFER Act will create a 4-year program, and as the gentleman from Pennsylvania has suggested, perhaps extending to 10 years, that would pay the majority of costs associating—associated with hiring new firefighters.

My friends, adequate staffing is crucial in an effective—to be effective in an emergency situation. I know no one will attempt to refute this. The firefighters, whose bravery and valor protect our nation, deserve all that we can give them. And it is my hope that this Congress truly begins to realize our responsibilities this year.

And I agree with Mr. Smith on his point that this should not be replacement money but supplemental money. We don't want localities laying off people in order to get federal money to put them back in. In fact, that is absolutely forbidden in the COPS Act. And we have all been supportive of that legislation, and it has been effective. The relationship of the police officers that have come on local communities through that FIRE Act since '94, have had a direct proportionate relation to the drop of crime. And I commend the Congress, and I commend the past President and the present President for supporting it. We support that particular act. We want everybody to support this act. Firefighters are on the front lines. They are our first responders, and I am proud to be cosponsor of this legislation.

[The prepared statement of Mr. Pascrell follows:]

PREPARED STATEMENT OF REPRESENTATIVE BILL PASCRELL, JR.

Mr. Chairman and Members of the House Committee on Science, I appreciate the opportunity to testify before you today on behalf of H.R. 1118, the SAFER Act—legislation that can undoubtedly help us meet the urgent needs of fire services throughout our nation.

I would just like to take a moment to commend Senator Dodd and Chairman Boehlert for the exemplary leadership they have displayed on behalf of the fire community over the years, as well as for their tireless efforts in navigating the SAFER Act through the legislative maze that is Capitol Hill.

Indeed, it is *absolutely critical* for Congress to address the staffing needs of our nation's fire departments. Just look at the facts:

Currently *two-thirds of all* fire departments throughout America operate with inadequate staffing. This statistic alone is unconscionable. How can any of us, as elected officials, allow this to continue? The consequences of insufficient personnel levels, of course, often lead to tragic, heartbreaking results.

In communities of at least 50,000 people, 38 percent of firefighters are regularly part of a response that is not sufficient to safely initiate an interior attack on a structure fire because of a lack of staffing.

Twenty-one percent of rural departments are often unable to deliver the four firefighters needed to safely initiate an interior attack.

In Buffalo, Washington, DC, New York and Worcester, Massachusetts—just to name but a few—firefighters have been killed because of a lack of staffing. In each of these cases, if there had been a team in place that accounted for the firefighters who were putting out fires inside of buildings, they would be alive today.

A New Jersey Division of Fire Safety report issued this past March regarding the *Passaic Fire Department* in my district stated that:

“insufficient staffing seemed to have fostered a culture of individualism in the fire department over a long period of time, and a lack of supervision due to short staffing made it difficult to address this situation.”

My friend, Chief Lou Imparato is doing the best he can with the funding he has, but the problems the Passaic Fire Department experiences related to a lack of staffing culminated in the death of firefighter Alberto Tirado, who went to a third floor of a structure by himself in an effort to do his duty, and died because of it. This is happening in my district, it's happening in your district, it's happening throughout the Nation.

And things are getting worse. The current economic malaise that we find ourselves in has many local jurisdictions facing tough decisions. Departments all across the country are laying off firefighters—just at a time when we need them most.

The challenges of a changed world have irrevocably altered the role of our firefighters. Along with all the other profound responsibilities of which their profession has been charged, firefighters are now the front-line defenders against terrorism within our borders.

And if we are serious—truly serious—about our national security, and about the safety of our people, then the Federal Government has an obligation to assist local fire departments in every way we can.

Like many Members of this committee, I have long fought for additional funding for America's fire departments. In 1999, I introduced the *Firefighter Investment and Response Act*, to provide federal grants directly to local fire departments to help address a variety of equipment, training and other firefighter-related needs. It has been my greatest honor to see this bill signed into law.

The original draft of the FIRE Act tried to get more firefighters into uniform—to help fire departments meet their staffing shortages. Unfortunately, it has been difficult to implement the personnel category because the money has to be spent in one year, prohibiting municipalities from long-term personnel additions.

So I am excited that we are all here to return to address this omission. The SAFER Act would create a four year program where fire departments would apply for federal grants that would pay the majority of the costs associated with hiring new firefighters, not to exceed \$100,000 over four years for each firefighter hired.

Adequate staffing is essential to safe and effective emergency operations—I know of no one who would attempt to refute this.

The firefighters whose bravery and valor protect our nation deserve all that we can give them, and it is my hope that this Congress truly begins to realize our responsibilities this year.

Again, I would like to thank the Chairman and Members of the Committee for this hearing, and I wish to thank all of our nation's firefighters for everything they do.

Panel 2

Chairman BOEHLERT. Thank you very much for that very fine testimony. And I am pleased that we are joined by our distinguished colleague from Connecticut, Senator Dodd. And Senator, I want to commend you for the leadership you have provided in moving this process forward by your rather brilliant strategic move to insert the SAFER legislation language into the Defense Authorization Bill. We will be conferees and part of that. And Congressman Weldon will, too. And we are going to be doing our best to embellish it even more.

Senator DODD. And I thank you very much, Mr. Chairman.

Chairman BOEHLERT. And we welcome you.

STATEMENT OF HON. CHRISTOPHER J. DODD, A UNITED STATES SENATOR FROM THE STATE OF CONNECTICUT

Senator DODD. Well, thank you very much. This is sort of a homecoming for me. Almost 30 years ago, when I was elected as a freshman Member of the House, this was the first Committee I served on. And back in the days, Tiger Teig was—Texas was Chairing the Committee, and Don Fuqua and others. I look around the room and see pictures here and portraits on the wall of former Members, so it is a pleasure to come back. Very different looking Committee room than it was almost 30 years ago with the arrival of technology.

And I will just share some—a few thoughts with you, ask unanimous consent that these prepared remarks be included in the record. I see my good friend, Congressman Udall, here and I am reminded of Mo Udall's famous line after listening to several colleagues speak on a specific matter. He said, "Everything has been said, but not everyone has said it." And so I am going to take a few minutes here and share a few thoughts with you. Let me commend, first, Curt Weldon and Bill Pascrell for the tremendous job they have done and Members up here as well. We need to right away in the Senate thank John Warner and Carl Leebon as well as the Chairman and the Ranking Member of the Armed Services Committee at the Senate. Without their support as cosponsors of the amendment a week or so ago on the floor of the Senate, we would not have been able to include this language as part of the Defense Authorization Bill. And so I want to thank them.

This is a bit of an awkward way to proceed. And we—it was pointed out on the FIRE Act a few years ago, they were also the means by which we were able to get that language included and a potential conference report with the House. It is conceivable it would have happened through a normal course of events, but we felt that this was the time to move. We are not sure, with other matters that may come up in the Senate the coming week, so the other matters could get crowded out of the schedule and this kind of a bill might not have had a chance to be heard. So I appreciate the Chairman's comments about it. And I would be remiss by not thanking all of those who are—who have been responsible for achieving the success.

We are in this effort, obviously, together. And we think we can provide America's fire services with the resources it needs. Bill

Pascrell has laid out the case pretty well as Curt Weldon has. Here, Mr. Chairman, there is a growing problem. I appreciate Curt Weldon's comments, particularly with the volunteer services, or these combination departments, particularly in rural areas of the country, particularly part of our parts of the country in the northeast where the old—the rural communities of 25 years ago becoming suburban communities and the idea that people who lived in those communities, worked in those communities and then could be volunteers has diminished tremendously. Today, a lot of the people who live in these communities commute to the larger cities and work every day so that the population, the potential population to serve as volunteers just has declined tremendously in the last few years. And it is harder and harder for these departments to succeed without, of course, tremendous costs to these communities. And as Bill points out as well, even of course, of paid departments we're seeing the problems increase with a decline in the service.

And so we are doing everything we can here to try and provide a sense of cooperation with local and state governments to see to it that the importance of the work done by our fire services, emergency medical services will get the support that they deserve.

As you know, Mr. Chairman, as I said, Senator Warner and I introduced the Senate version of this bill in the fall of 2001, just a few weeks after September 11. Again, I appreciate Bill Pascrell pointing out that it was back in 1999 we introduced the FIRE Act, before the 9/11 disaster. Even before then, of course, many of us in Congress have long recognized that America's firefighters make extraordinary contributions to their communities every single day. And for that reason, the FIRE Act was signed into law in the fall of 2000, a year before the events of 9/11.

After September 11, of course, we know that America's—needs its firefighters to be better prepared to respond to the deliberate acts of terror and destruction. The Fire Service needs to be better prepared, obviously, to deal with acts of bioterrorists. It needs to be prepared to help people, save people who have been attacked with toxic chemical weapons. Just the responsibilities have just so dramatically changed from what most of us grew up with knowing about your fire department and what they—the job they did. And today, all of a sudden, these men and women are being asked to perform services and handle materials and situations, just dramatically different than historically what we thought about as traditional fire services.

So the job has become a highly sophisticated one where you not only have to be a good volunteer, you have got to be a well educated one, a well educated, paid member of the department to really understand the challenges that you are going to face. And despite the increasingly important role, of course, that these men and women are playing as part of our national homeland defense system, communities, as we all know, over the years, have not been able to maintain the level of staffing necessary to ensure the safety of the public or our firefighters themselves.

Since 1970, the number of firefighters as a percentage of the U.S. workforce has steadily declined, and the budget crisis that our state and local governments are now enduring have only made the matters that much worse. Across the country today, firefighter

staffing is being cut. Fire stations are being closed because of the state and local budget pressures.

According to the Needs Assessment study recently released by the U.S. Fire Administration and the National Fire Protection Association, under-staffing contributes to enormous problems. For example, the USFA and the NFPA have found that only 11 percent of our nation's fire departments have the personnel they need to respond to a building collapse involving 50 or more occupants. The consequences of under-staffing are often tragic, according to testimony by Harold Schaitberger, the general President of the International Association of Fire Fighters, presented before the Senate Science and Technology and Space Subcommittees on October 11 of 2001. Under-staffing is caused or contributed to recent firefighter deaths in Memphis, Tennessee, Worcester, Massachusetts, Iowa, Pittsburgh, Pennsylvania, Chesapeake, Virginia, Stockton, California, Lexington, Kentucky, Buffalo, New York, Philadelphia, and Washington, DC. In each case, firefighters went into dangerous situations without the support they needed, and they paid the ultimate price. And their families have been left with an empty place, obviously.

I know that the Members of this committee recognize the need for action, and I am delighted that the Senate recently approved the SAFER Act as an amendment that we offered to the Defense Department Authorization Bill. Senator Warner and Senator Levin, as I have mentioned, cosponsored the legislation, and we are grateful for their standing support.

I think we stand a chance of passing this, Mr. Chairman, with your help and others, with this conference report. It is not as comprehensive as many of us would like, but I think realistically it is—requires appropriation over three years. We authorized money for 10. It requires cooperation, obviously, at the state level. This isn't the Federal Government taking on this responsibility entirely, but becoming a good partner, not unlike what we did with the COPS Program. So for all of those reasons, Mr. Chairman, I appreciate the generosity of allowing a Member from the other body to come over here as, again, my friend, Mo Udall, said years ago when I left the House and went to the Senate, I was improving the intelligence of both bodies with that move. So that—it is nice to be invited back to the House, and particularly to a committee that I enjoyed serving on almost 30 years ago.

[The prepared statement of Mr. Dodd follows:]

PREPARED STATEMENT OF SENATOR CHRISTOPHER J. DODD

Chairman Boehlert and distinguished Members of the Science Committee, I appreciate the opportunity to appear before you this morning to discuss a matter of great importance to communities around the country. I know I'm preaching to the choir today, but the work before us is too important for us to take anything for granted and I wanted to say to the Members of this committee that I support your efforts to pass legislation to help ensure that America's local fire agencies have the human resources that they need to meet the challenge of an extended war against terrorism and to address the myriad of other dangers that firefighters face every day.

We are in this effort together and together we can provide America's fire service with the resources it needs. Mr. Chairman, firefighting is a dangerous business, but we can help make it relatively less dangerous. I applaud your leadership on this matter and I look forward to working with you to secure quick passage of the SAFER Act. I also want to thank Congressman Curt Weldon for his leadership on

this and other fire service issues. Congressman Weldon and I share a commitment to the fire service that has produced legislative success in the past with the enactment of the FIRE Act. I hope and believe that we may be on the verge of another victory now for our nation's firefighters.

I recognize so many friends of the fire service on the Committee. Congressman Larson and I have been working together to provide tax incentives to improve recruitment and retention for volunteer fire departments. Again, I know that I am preaching to the choir. But we can't afford to let our shared faith in the fire service blind us to the task at hand—we have a lot of work to do to get to final passage of the SAFER Act. We can get there, but we've got to be prepared to act now.

Chairman Boehlert, as you know, Senator Warner and I introduced the Senate version of the Staffing for Adequate Fire and Emergency Response (SAFER) Act in the fall of 2001—just weeks after the attacks on September 11th.

Even before September 11th, many of us in Congress had long recognized that America's firefighters make extraordinary contributions to their communities every day. For that reason, the FIRE Act was signed into law in the fall of 2000. But on September 11, 2001, we got a glimpse of the larger role that the men and women of the fire service play. The national role of our firefighters has become apparent and our firefighters have made the Nation proud.

After September 11th, we know that America needs its firefighters to be better prepared to respond to deliberate acts of terror and destruction. The fire service needs to be better prepared to deal with acts of bioterrorism and it needs to be prepared to help save people who have been attacked with toxic chemical weapons. In short, America's fire departments need to be prepared for what once seemed unthinkable.

Despite the increasingly important role firefighters play as part of our national homeland defense system, communities over the years have not been able to maintain the level of staffing necessary to ensure the safety of the public or our firefighters themselves. Since 1970, the number of firefighters as a percentage of the U.S. workforce has steadily declined and the budget crises that our State and local governments are now enduring have only made matters worse. Across the country today, firefighter staffing is being cut and fire stations are even being closed because of State and local budget shortfalls.

According to a "Needs Assessment Study" recently released by the U.S. Fire Administration (USFA) and the National Fire Protection Association (NFPA), understaffing contributes to enormous problems. For example, the USFA and NFPA have found that only eleven percent (11 percent) of our nation's fire departments have the personnel they need to respond to a building collapse involving fifty (50) or more occupants.

The consequences of understaffing are often tragic. According to testimony by Harold Schaitberger, General President of the International Association of Firefighters, presented before the Senate Science, Technology and Space Subcommittee on October 11, 2001, understaffing has caused or contributed to recent firefighter deaths in Memphis, Tennessee; Worcester, Massachusetts; Iowa; Pittsburgh, Pennsylvania; Chesapeake, Virginia; Stockton, California; Lexington, Kentucky; Buffalo, New York; Philadelphia, Pennsylvania; and Washington, D.C. In each case, firefighters went into dangerous situations without the support they needed and they paid the ultimate price. And their families have been left with an empty place at the dinner table.

I know that the Members of this committee recognize the need for action. And I am delighted that the Senate recently approved the SAFER Act as an amendment that I offered to the Fiscal Year 2004 Department of Defense Authorization bill. Senator Warner and Senator Levin co-sponsored the amendment and were critical to its success. But again, there's still more work to be done.

I think we stand a chance of passing the SAFER Act the same way we passed the FIRE Act back in 2000, when Senator DeWine, Senator Levin, Senator Warner and I worked to successfully attach the FIRE Act to the DOD bill. I'm sure Congressman Weldon remembers that effort because he worked tirelessly to ensure the success of the FIRE provision during the conference to reconcile the House and Senate bills. The FIRE Act has been a tremendous success. The FIRE Act grant initiative has provided nearly half a billion dollars in direct assistance to local fire departments across the country and will provide another \$750 million this year. We are beginning to significantly improve the quality of the equipment available to firefighters in every state and in communities large and small.

And now, with Senate passage of the SAFER Act, we have taken a significant step forward toward improving staffing conditions for America's fire service. I know that several Members of the Science Committee may serve on the DOD conference com-

mittee and I pledge my support to each of you as you work through the SAFER provisions.

In closing let me say that the SAFER Act honors America's firefighters. It acknowledges the men and women who charge up the stairs while everybody else is running down. But it does more than that. This legislation is an investment in America's security, an investment to ensure the safety of our businesses, our firefighters, our homes, and our families.

Chairman BOEHLERT. It is always good to welcome you back, Senator, particularly to your committee of origin, if you will.

Senator DODD. Thank you very much.

Chairman BOEHLERT. I want to thank both of you for your eloquent testimony and your commitment to the fire services. We will be working in partnership to see this thing through to its intended conclusion. Thank you very much.

Senator DODD. Thanks very, very much.

Panel 3

Chairman BOEHLERT. Now we will go to Panel 3. Panel 3 will consist of the Honorable James Shannon, the President of the National Fire Protection Association. It is always good to welcome back to Capitol Hill; he is a frequent visitor, a former colleague in the House of Representatives.

And we have—I am honored, particularly, to have from my Congressional District, Mike Quill, Chief of the Auburn Fire Department in Auburn, New York. Chief Quill has been a member of the Fire Service for nearly 30 years, all with the department in Auburn, New York, where he was born and raised. The Chief has been heading the department for eight years, but is no stranger to the challenges of the rank and file firefighter. That is because, during Mike's long career, he rose through the ranks, serving at all levels from firefighter to lieutenant to captain to municipal training officer to assistant chief and finally becoming chief of the department in 1995. In addition to serving his community in the fire services, Chief Quill served his country in the United States Marine Corps, service that included a tour in Vietnam. That is an enviable record of service. And again, we are so honored you could join us today to give us your perspective from the front lines of Fire Service.

And now for the purpose of introduction, the Chair is pleased to recognize Mr. Udall.

Mr. UDALL. Thank you, Mr. Chairman. And I want to thank you for including Mr. Michael McNeill on the witness list for today's hearing. Mike's current title is District Vice President for the International Association of Fire Fighters. In this capacity, he serves on the International Association's National Executive Board, representing firefighters in Colorado, Nevada, Oregon, Utah, and Wyoming. He was a Denver, Colorado firefighter for 33 years and previously served as President of the Colorado Professional Firefighters. He also previously served as President of the Denver Firefighters.

I know that his testimony, reflecting his wealth of experience, will be a valuable contribution to the hearing record and to the Committee's understanding of the need for this important legisla-

tion. So I welcome Mike to the Committee, and I look forward to hearing your testimony. Thanks for being here.

Chairman BOEHLERT. Thank you very much. And for the purpose of an introduction, the Chair recognizes Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman. I am pleased to introduce Jeff Cash. Jeff Cash is from Cherryville, or as it is pronounced in North Carolina, Cherville. He is the Program Coordinator from the North Carolina State Firemen's Association and also is now the President of the North Carolina State Firemen's—in addition to being the Program Coordinator, is President of the North Carolina State Firemen's Association. He was also the volunteer Fire Chief for the City of Cherryville. He was chosen by other firefighters as the North Carolina State Fireman of the Year in 1990. And Mr. Chairman, to give you an idea of what the State of North Carolina is like, it turns out that Mr. Cash grew up playing ball with a younger brother, one of my wife's and my best friends.

Chairman BOEHLERT. Yeah, we are pleased to welcome the gentleman from Cherryville.

Mr. MILLER. Cherville.

Chairman BOEHLERT. Cherville? All right. We want to get that straight. Thank you very much.

Gentlemen, we would appreciate it if you could summarize your testimony. We are not going to be arbitrary in watching the clock every minute, so don't get nervous if that suddenly goes from green to yellow to red. What you have to say is very important to this committee, and we want the advantage of your input. And we appreciate you all being willing to serve as resources for the Committee.

We will go from the Chair down, left to right, with our colleague, former Congressman Shannon first. What is more important, former Congressman or President?

Mr. SHANNON. Former Congressman.

Chairman BOEHLERT. There you go. Thank you very much. Mr. Shannon.

**STATEMENT OF HONORABLE JAMES M. SHANNON,
PRESIDENT, NATIONAL FIRE PROTECTION ASSOCIATION**

Mr. SHANNON. Thank you very much, Mr. Chairman, Ranking Member Hall, Members of the Committee. My name is Jim Shannon. I am the President of NFPA. And we are very pleased to be here in support of this very important legislation today.

While legislation for the purposes of this one would be of interest to NFPA at any time, we are especially pleased to see it and support it now, because it responds to gaps in personnel that we have recently documented. And we believe that this legislation, the SAFER legislation, would go a long way to address those gaps.

I would like to get right into it and touch on the changing demographics of fire departments and what those changes mean for the likely personnel shortfall in the future. And I would like to provide background on relative NFPA standards and other guidelines that define necessary fire department staffing for safe and effective response. Now much of my testimony today is based on some very troubling findings from the Needs Assessment that Senator Dodd referred to, which was a study authorized by Congress and con-

ducted by NFPA in cooperation with FEMA. And those findings are bolstered by other studies conducted by NFPA over the past 15 years.

Our research found that areas of greatest concern are a shortage of fire stations to provide emergency response times that meet the guidelines of the Insurance Services Office and NFPA 1710 and insufficient staffing on responding fire apparatus for safe and effective firefighting inside a building in accordance with NFPA 1710 and 1720. Simply stated, at least 65 percent of our nation's cities and towns don't have enough fire stations to achieve the widely recognized ISO response time guidelines. And those guidelines recommend that first call companies in "built upon" areas of the city be located to ensure travel distance within one and a half miles. That guidance is consistent with NFPA 1710 that firefighters respond within 40—within four minutes 90 percent of the time. However, arriving on scene in time isn't enough if you arrive without the necessary resources to make a difference.

NFPA Standards 1710 and 1720 define safe and effective response to structure fires in the 21st century. Both standards are developed through the voluntary consensus process, a process that you are very familiar with and that Congress has expressed support of through the National Technology Transfer and Advancement Act of 1995. And all of our standards are accredited by ANSI. The Needs Assessment survey found fire departments protecting communities of at least one million citizens had at least four career firefighters assigned to engines, but the numbers break down in smaller communities. Only 60 percent of departments protecting communities of 250,000 to one million had four career firefighters assigned to engines. And departments serving populations of 100,000 to 250,000, only 44 percent could make that claim. And in communities between 10,000 and 100,000, just 20 to 26 percent of the departments offered that necessary coverage. And this is our best information on the level of adoption of NFPA 1710 as of 2001.

With regard to 1720, which deals with volunteer firefighters, most smaller communities protected by an all volunteer or mostly volunteer fire department responded with four or more firefighters to a mid-day house fire, but for many, the total response was only adequate for two functional crews on the scene. What remains unclear and unmeasured is how long it took to assemble those firefighters.

When fewer than four firefighters are on scene, first responders face a cruel choice between initiating an interior attack without proper manpower to secure their own safety during high-risk operations or delay the interior fire attack until additional forces arrive. And obviously, the latter increases the danger to occupants and overall damage to property. Both NFPA 1500, the Standard on Fire Service Occupational Safety and Health, and Federal OSHA regulations, require a minimum of two firefighters to back up an initial team of at least two firefighters working in a hazardous environment. This is the "two-in-and-two-out rule".

Closing these gaps requires more firefighters. There are no short cuts. Just to staff the number of fire stations required to meet response time guidelines, we estimate 25,000 to 35,000 more career firefighters are needed. And to address the staffing of existing de-

partments so that firefighters safely and effectively mount an interior attack on a fire, another 50,000 career officers are needed.

Investigations by NFPA and NIOSH have shown that a lack of adequate staffing has contributed to several firefighter fatalities in recent years. Increasing firefighter staffing to meet NFPA standards will help to protect the lives of our firefighters and our citizens.

If I could just touch on one or two more points in the Needs Assessment, I know my time has expired, Mr. Chairman, the Needs Assessment also pointed to shortfalls in training, certification, equipment, and apparatus. While the existing FIRE Act has started to address those needs, the funding level has been only a fraction of the full cost.

And add to this backdrop the challenges that you referred to earlier, the terrorism and the needs faced by those new challenges, we can see that this is a very dire situation. A recent analysis by NFPA shows that training and equipment needs for terrorism preparedness would run to tens of billions of dollars in initial costs and billions more in each subsequent year to maintain proficiency. And those estimates presume that there will be a sufficient number of first responders to perform assigned jobs, which is what the SAFER bill rightly addresses.

For all of these reasons, Mr. Chairman, we believe that this is an essential piece of legislation. And we are very strongly in support of it and looking forward to working with you for its adoption and its implementation.

[The prepared statement of Mr. Shannon follows:]

PREPARED STATEMENT OF JAMES M. SHANNON

Chairman Boehlert, Ranking Member Hall and Members of the Committee, I am honored to appear before this committee today. My name is James M. Shannon, and I am President and Chief Executive Officer of the National Fire Protection Association. NFPA is a non-profit organization, founded more than 100 years ago, with a mission to save lives through fire and life safety education and training, and fire research and analysis. NFPA also develops consensus codes and standards that are adopted by State and local jurisdictions throughout the United States and widely used by the Federal Government.

I am here to testify in support of your legislation, H.R. 1118, the *Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003* or SAFER. This proposed grant program will provide needed financial assistance to career, volunteer and combination fire departments to hire firefighters to help meet industry standards and community needs to provide adequate protection from fire and other hazards including acts of terrorism. While legislation for this purpose would be of interest to NFPA at anytime, we are especially pleased to see it and support it now, because it responds to gaps in personnel that we have recently documented. SAFER would go a long way to address those gaps.

I will touch on the changing demographics of fire departments and what those changes mean for the likely personnel shortfall in the future. And I will provide background on relevant NFPA standards and other guidelines that define necessary fire department staffing for safe and effective response.

Much of my testimony is based on troubling findings from the recently published "Needs Assessment of the U.S. Fire Service," a study authorized by Congress and conducted by NFPA in cooperation with FEMA. Those findings are bolstered by other studies conducted by NFPA over the past 15 years.

Our research found that the areas of greatest concern are a shortage of fire stations to provide emergency response times that meet the guidelines of the Insurance Services Office (ISO) and NFPA 1710; and insufficient staffing on responding fire apparatus for safe and effective firefighting inside a building, in accordance with NFPA Standards 1710 and 1720.

Simply stated, at least 65 percent of our nation's cities and towns don't have enough fire stations to achieve the widely recognized ISO response-time guidelines. Those guidelines recommend that first-call companies in "built upon" areas of the city be located to ensure travel distances within 1½ miles. That guidance is consistent with the requirements of NFPA 1710 that firefighters respond within four minutes, 90 percent of the time. However, arriving on scene in time isn't enough if you arrive without the necessary resources to make a difference.

NFPA Standards 1710 and 1720 *define* safe and effective response to structure fires in the 21st century. Both standards are developed through the voluntary consensus process, a process that Congress mandated for standards used by federal agencies, with the enactment of the National Technology Transfer and Advancement Act of 1995. All NFPA standards developed through this process are accredited by the American National Standards Institute.

The needs assessment survey found fire departments protecting communities of at least one million citizens had at least four career firefighters assigned to engines. But the numbers break down in smaller communities: Only 60 percent of departments protecting communities of 250,000 to one million had four career firefighters assigned to engines. In departments serving populations of 100,000 to 250,000 only 44 percent could make that claim. And in communities between 10,000 and 100,000, just 20 to 26 percent of departments offered that necessary coverage. This is our best information on the level of adoption and implementation of NFPA 1710, as of late 2001.

With regard to NFPA 1720, most smaller communities protected by an all volunteer or mostly volunteer fire department responded with four or more firefighters to a mid-day house fire, but for many, the total response was only adequate for two functional crews on the scene. What remains unclear and unmeasured is how long it took to assemble those firefighters.

When fewer than four firefighters are on scene, first responders face a cruel choice between initiating an interior attack without proper manpower to secure their own safety during high risk operations, OR delay the interior fire attack until additional forces arrive. Obviously, the latter increases the danger to occupants and overall damage to the property. Both NFPA 1500, Standard on Fire Service Occupational Safety and Health, and Federal OSHA regulations require a minimum of two firefighters to back up an initial team of at least two firefighters working in a hazardous environment. This is often referred to as the "two-in-and-two-out rule."

Closing these gaps requires more firefighters. There are no short cuts. Just to staff the number of fire stations required to meet response-time guidelines, we estimate 25,000 to 35,000 more career firefighters are needed. And to address the staffing of existing departments so that firefighters safely and effectively mount an interior attack on a fire, another 50,000 career officers are needed.

Investigations by NFPA and the National Institute of Occupational Safety and Health have shown that a lack of adequate staffing has contributed to several firefighter fatalities in recent years. Increasing firefighter staffing to meet NFPA standards will help to protect the lives of our firefighters and our citizens.

The Needs Assessment Survey also pointed to shortfalls in training, certification, equipment, and apparatus. While the existing FIRE Act has started to address these needs, the funding level has been only a fraction of the full cost.

Add to this backdrop, the new challenges of global terrorism and the long list of training and equipment needs for the modern fire service grows even longer. A recent NFPA analysis estimates that training and equipment needs for terrorism preparedness would run to tens-of-billions of dollars in initial costs and billions more each subsequent year to maintain proficiency. Those estimates presume there will be a sufficient number of first responders to perform assigned jobs, which is what the SAFER bill rightly addresses.

Firefighter demographics have changed substantially in the last 15 years. There are more career firefighters but fewer volunteers, and the average age of firefighters is rising rapidly.

Between 1986 and 2001, the total number of active firefighters increased by three percent. While career firefighter numbers increased by 23 percent, the number of volunteer firefighters *decreased* by three percent. Much of the shift is due to the addition of career firefighters—or more career firefighters—to departments that were once all-or mostly-volunteer. On top of that shift, the average size of career departments has grown slightly, while the average size of volunteer departments has remained unchanged.

In 1986, 30 percent of U.S. firefighters were under 30 years of age and 36 percent were at least 40 years old. In 2001, 25 percent of U.S. firefighters were under 30 years of age and 44 percent were at least 40 years old.

The shift in the age make up of our departments, suggests a severe recruitment problem that has been temporarily offset by delayed retirements and/or better retention.

Collectively, these findings suggest several courses of action:

Career fire departments need more firefighters, even as they've experienced some success in adding firefighters to meet new assignments, standards, and guidelines over the past 15 years. There is nothing to suggest recruiting qualified firefighters would be an obstacle if departments were properly *authorized and funded to do so*.

Volunteer fire departments also need more firefighters. While many communities have dealt with the recruitment decline by retaining older firefighters, they have, as a result, increased the percentage of firefighters who are at the highest risk of on-duty fatal injury. The rate of on-duty firefighter fatalities per 100,000 firefighters rises sharply after age 40, due primarily to the increased risk of heart attack.

As Congress looks to address the staffing problem through your legislation, something must also be done to help our volunteer fire departments with recruitment and retention. Volunteer fire departments struggle to keep their members and to recruit new members to replace retiring firefighters.

Chairman Boehlert, your legislation is designed to help both volunteer and career fire departments. The legislation would provide greater assistance if the definition of a firefighter would include those involved in fire prevention, public education, and code enforcement. Fire departments could then use these funds to hire personnel to do training activities, fire prevention, public education, or firefighting. This would dramatically improve some departments' response capabilities but, equally important, could prevent some tragedies from occurring in the first place.

Mr. Chairman, when the Needs Assessment Survey was released, I was asked what I thought it all meant, and I described it as a Call to Action. The SAFER Bill is an outstanding piece of legislation that defines, clearly and practically, what actions we are called to take and must take.

We cannot continue to ask our fire departments to protect our communities without adequate resources. We would not expect our armed services to defend our nation without adequate staffing and we should expect no less from our first responders here at home. But as the country braces for the unknown at home, our nation's fire departments, which are nearly always the first to respond in any crisis, are woefully understaffed to fully protect our citizenry or themselves. The need is urgent and long overdue.

We all recognize the increased demands that have been placed on our nation's firefighters since September 11th. We can no longer ask our fire departments to survive entirely on local tax revenue, or in some cases fundraisers such as potluck dinners and auctions. The Federal Government must provide adequate resources and support to our firefighters to meet the many challenges—whether natural, unintentional or deliberate—as they protect the public and secure our homeland.

Your legislation would begin to address these urgent needs, and NFPA not only enthusiastically endorses SAFER, we urge its passage.

Mr. Chairman, thank you for the opportunity to testify today. I will be happy to answer any questions you or other Members of the Committee may have.

BIOGRAPHY FOR JAMES M. SHANNON

NFPA President

James Shannon served as NFPA Senior Vice President and general counsel from 1991–2002. In that time he oversaw all legal affairs of the association and also had administrative and real estate responsibility for NFPA's properties. Mr. Shannon has had a visible role in the organization's operations and government affairs, both domestically and abroad. Previously, he was elected Attorney General of the Commonwealth of Massachusetts where he pursued numerous policy issues, including a focus on antitrust. Mr. Shannon was senior partner in the Boston law firm Hale & Dorr and from 1979 to 1985, he served in the United States House of Representatives. Mr. Shannon earned his BA degree at Johns Hopkins University and his JD at George Washington University School of Law.



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June 17, 2003

Honorable Sherwood Boehlert
Chairman
Committee on Science
2320 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Boehlert:

On behalf of James M. Shannon, President and CEO of the National Fire Protection Association (NFPA), thank you providing Mr. Shannon the opportunity to testify on June 4, 2003 on H.R. 1118. In accordance with the Rules Governing Testimony, this letter serves as a formal notice of the Federal funding NFPA currently receives from grant funding and for services provided.

I have attached to this letter a "Schedule of Federal Contracts/Grants Open During Fiscal 2003". If I can provide additional information please feel free to call on me.

Again, thank you for providing NFPA the opportunity to testify in support of your legislation.

Sincerely,

A handwritten signature in dark ink, appearing to read "John C. Biechman".
John C. Biechman
Vice President
Government Affairs

Washington Office

NFPA's mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating scientifically-based consensus codes and standards, research, training, and education.

Schedule of Federal Contracts/Grants Open During Fiscal 2003

As of: May 28, 2003

Contract Number	Title Contract Life	Agency	Contract Type	CFDA #	Agreement Amount
17140	Wildland/Urban interface '01-03 01/01/01-12/31/03 01-CA-1113010120-048	USDA/FS	Co-op. Agreement <i>Fed Share</i> <i>NFPA</i>	10.664 94.39% 5.61%	\$10,710,543 \$10,109,681 \$600,862
17158	Risk Watch @ Implementation Program 05/01/03-04/30/04 Number has not been assigned yet.	FEMA	2002 Fire Act Grant <i>Fire Prevention</i>	83.554	\$750,000
17146	Champion Mentorship Program 08/20/01-08/19/03 EME-2001-GR-0355	FEMA	2001 Fire Act Grant <i>Fire Prevention</i>	83.554	\$500,000
17145	Needs Assessment for Fire Service 05/30/01-01/31/03 EME-2001-CA-0255	FEMA	Co-op Agreement	83.AAB	\$275,710
17148	Admin. Org for Manufactured Housing 06/19/02-06/17/03 C-OPC-21940	HUD	Fixed/Cost Contract Phase I		\$161,980
17156	WTC First Person Accounts Analysis 04/14/03-05/26/03 P.O. # SB1341-03-W-0471	NIST	Purchase Order		\$28,500
17139	Decision Analysis Model 11/21/00-9/30/04 P.O. # NA1341-01-U-0024	NIST	Subcontract (HUD Prime)		\$24,822
17155	Uncertainty in Egress Models 02/01/03-11/30/03 P.O. # 32917/00	Ove Arup	Subcontract (NIST Prime)		\$20,000
17154	Fire Fighter Fatality 12/13/02-6/30/03 P.O. # 2002-MD-341	IOCAD	Subcontract (FEMA/USFA Prime)		\$8,000
			Total Fed Share		\$11,878,693
			Total NFPA Share		\$600,862
			Total Grant/Contract Value		\$12,479,555

2003 Government Seminar Contracts

<u>Date</u>	<u>Client</u>	<u>Mtn Cd</u>	<u>Seminar</u>	<u>Amount</u>
2/26/2003	NASA, John C. Stennis Space Center	XCN093	1-day NEC Hazard	\$5,600
3/4-6/03	TVA Tennessee Valley Authority	XCN063	3-day NEC	\$21,675
3/10-12/03	General Services Administration	XCN113	3-day LSC	\$13,800
4/22/2003	Westinghouse Savannah River Co. (WSRC)	XCN083	1-day 70E	\$10,200
5/14-5/03	US Department of State	XCN213	2-day NEC	\$16,400
4/4-8/03	Minnesota ARS	XCN-333	2-day NFPA	\$10,900
5/21-22/03	USARC-Cumberland, MD	XCN-243	2-day Managing	\$10,900
5/28-30/3	Brooke Army Medical Center	XCN-263	2-day LSC	\$13,800
6/17-19/03	Southeast Naval Facility	XCN-163	2-day AS	\$13,800
6/23-24/03	Warner Robbins AFB	XCN-323	2-day NFPA	\$15,200
6/23-25/03	USMC Recruit Depot-Parris Island	XCN-283	3-day LSC	\$12,500
7/14-18/03	IMA Europe (Germany) APO,AE	XCN-203	4-day new LSC	\$28,300
7/28-30/03	Dept of the Army	XCN-303	3-day LSC	\$13,800
Total Seminar Contract Income				\$187,875

Chairman BOEHLERT. Thank you very much, Mr. Shannon. We do appreciate your testimony. The Chair is pleased to recognize Chief Quill. And we pronounce it up our way Auburn. Chief.

STATEMENT OF MR. MICHAEL D. QUILL, CHIEF, AUBURN, NEW YORK FIRE DEPARTMENT

Mr. QUILL. Thank you, Mr. Chairman, Members of the Committee.

I would like to start out by talking a little bit about my hometown of, as you said, Auburn, New York. Auburn is a small city located in central New York. According to the latest census, the population stands at 28,574 people and covers an area of 8.6 square miles. In 2002, the City of Auburn responded to 3,635 calls for service, including structure fires, vehicle fires, emergency medical calls, service calls, and so forth and so on.

The department works on a rotating four-platoon cycle with one platoon on days, one platoon on nights, and two platoons on their time off. All four shifts are staffed with 17 personnel with the number of normal working personnel on duty is 14, which includes a Chief Officer, a Captain, Lieutenants, Firefighters. These same personnel operate with three engine companies, a Hook & Ladder, a rescue vehicle, and the command vehicle.

For a structural fire response, it would include all on-duty personnel. If any sign of fire is visible, an automatic callback is instituted, which would start bringing in personnel from home. With 14 personnel on duty, there are not enough people to extinguish the fire. One Command Officer, one—at least one pump operator, a person to operate the aerial device, a fast team or a Rid team, which is the “two-in-two-out”—pertains to the “two-in-two-out”, who rescue the rescuers and for fire suppression, ventilation, rescue, salvage, that brings us down to eight people.

These same eight firefighters are responsible for rescuing any trapped occupants, advancing hose lines, ventilating the structure so the hose lines can be advanced, placing ladders around the structure. Under the best of conditions, this requires a response of

a less—of at least 15 people minimum, but ideally there should be in the neighborhood of 20 people.

In 1973, when I was hired as a firefighter for the Auburn Fire Department, we had 96 people in the job: 20 people assigned per shift, and not every working fire was an automatic callback for aid. The department was able to handle every call, and very seldom had to callback for additional personnel. As time went on, budget constraints, one of the first things to cut back were personnel.

The fire department's operating budget for the last three years averaged out to \$3.9 million. From this, 92 percent is deducted for personnel costs, salary, overtime, fringe benefits, and so forth. This leaves approximately \$316,000 per year for tools, turnout gear, a self-contained breathing apparatus, vehicle replacement. Turnout gear costs approximately 200—or excuse me, \$2,000 per individual. SCBA's are approximately \$2,000 approximately. Vehicles start at \$300,000 and go up. As you can see, there is not a great deal left over for additional personnel.

Why do we need more firefighters? The primary reasons for hiring additional firefighters are very simple: greatly enhances the efficiency on-scene; increased safety, both for firefighters and the victims they are assisting; and enhanced planning and training to protect both firefighters and the communities they serve.

While some jurisdictions require four firefighters to staff a single piece of apparatus, most staff with only three, and in my city, at times, we were down to two people. By increasing to four firefighters per unit, we will generate 100 percent increase in operational capacity compared with three-person companies. Under federal administrative law and proper safety practices, firefighters must operate in teams of at least two people. Therefore fire apparatus staffing of four will yield two working teams of two, doubling the capacity of apparatus staff with only three personnel.

Linked to this substantial gain in productivity is a commensurate increase in safety, both for firefighters and for the victims they are assisting. On emergency responses, time is critical and minutes, or even seconds, can often mean the difference between life and death. The SAFER bill will help local governments provide necessary staffing on the initial response and not allow precious time to slip away as the first personnel on scene wait for additional firefighters to arrive.

I do not live in a dream world and expect personnel levels will ever be the same as in the early '70's. However, as a Fire Chief, I realize that any additional personnel will be a huge benefit to the City of Auburn, as it would to all cities in the fire departments throughout the country.

Thank you.

[The prepared statement of Mr. Quill follows:]

PREPARED STATEMENT OF MICHAEL D. QUILL

Auburn, is a small city located in Central New York. According to the latest census, Auburn has a population of 28,574 people and covers an area of 8.6 square miles.

In 2002, the city of Auburn responded to 3,635 calls for service including structure fires, vehicle fires, emergency medical calls, hazardous conditions and service calls.

The department works on a rotating four platoon cycle with one platoon on days, one platoon on nights and two platoons on their off time. All four shifts are staffed with 17 personnel; with the normal number of personnel on duty being 14. This in-

cludes a Chief Officer, a Captain, Lieutenants and Fire Fighter's. These same personnel operate with three engine companies, a Hook & Ladder, a rescue vehicle and a command vehicle.

For a structural fire response, it would include all on duty personnel. If any sign of fire is visible, an automatic call back is instituted, which would start bringing in personnel from home. With 14 personnel on duty, there are not enough people to extinguish the fire. The breakdown is as follows:

- Command Officer (1 person)
- Pump Operator (1 person)
- Aerial Device operator (1 person)
- Fast team (3 people)
- Fire suppression, ventilation, rescue, salvage (8 people)

These same eight firefighters' are responsible for rescuing any trapped occupants, advancing hose lines, ventilating the structure so that the hose lines can be advanced, placing ladders around the structure. Under the best of conditions, this requires a response of at least 15 people minimum but ideally, this should be in the neighborhood of 20 people.

In 1973 when I was hired as a firefighter the Auburn Fire Department had 96 people on the job, 20 people assigned per shift, not every working fire was an automatic call back of personnel. The department was able to handle every call and very seldom had to "call back" for additional personnel. As time went on, budget constraints one of the first things to be cut back were personnel.

The Fire departments operating budget for the last three years averages out to \$3,956,330.00. From this 92 percent is deducted for personnel costs (salary, overtime and fringe benefits). This leaves approximately \$316,506.00 per years for tools, turnout gear, SCBA vehicle replacement, etc. Turnout gear costs \$2,000.00 per set, SCBA's are at \$2,000 each and vehicles start at \$300,000.00 and go up. As you can see there is not a great deal left over for additional personnel.

I do not live in a dream world, and expect personnel levels will ever be the same as in the early 70's. However, as a fire chief I realize that any additional personnel will be a huge benefit to the city of Auburn, as it would to all cities and fire departments throughout the country.

Why Do We Need More Firefighters?

The primary reasons for hiring additional firefighters are very simple:

1. Greatly enhanced efficiency on-scene,
2. Increased safety, both for firefighters and the victims they are assisting, and
3. Enhanced planning and training to protect both firefighters and the communities they serve.

While some jurisdictions require four firefighters to staff a single piece of fire apparatus, most staff with only three and in my city at times we are down to two. By increasing to four firefighters per unit, we will generate a 100 percent increase in operational capacity compared with three-person companies. Under federal administrative law and proper safety practices, firefighters must operate in teams of at least two people. Therefore, fire apparatus staffing of four will yield two working teams of two, doubling the capacity of apparatus staffed with only three personnel.

Linked to this substantial gain in productivity is a commensurate increase in safety both for firefighters and for the victims they are assisting. On emergency responses, time is critical and minutes, or even seconds, can often mean the difference between life and death. The SAFER bill will help local governments provide necessary staffing on the initial response and not allow precious time to slip away as the first personnel on-scene wait for additional firefighters to arrive.

Why Federal Funding?

Traditionally, fire departments have responded to isolated, local incidents. For the occasional, large-scale response, mutual aid from a neighboring jurisdiction often provided the needed, additional resources.

In the aftermath of September 11th, it is no longer sufficient for fire departments to plan for these limited events. In the midst of our ongoing war on terrorism, local fire departments must be prepared for coordinated, well-orchestrated attacks aimed at American citizens on American soil. These attacks require the emergency response system to have significant surge capacity—of both manpower and equipment. Local governments cannot provide these resources alone. Properly preparing for and coordinating this type of response requires the assistance and financial support of the Federal Government.

Recent economic conditions have forced fire departments to make significant budget cuts which are forcing staff reductions across the country. Departments have also been directly affected by the military call-ups necessary for the war in Iraq. A recent survey conducted by the International Association of Fire Chiefs has shown that the smallest fire departments are disproportionately affected by the call-up of military personnel. These departments are the least able to absorb the loss of trained staff and will find much benefit from the legislation proposed by the SAFER Act.

Statistics

The National Fire Protection Association (NFPA)—the consensus, standard-making body for the fire service—has published the consensus standard on recommended staffing for career and combination fire departments. Based on this standard, we know that many of these fire departments are understaffed.

In addition, volunteer fire departments across the country are facing great difficulty in maintaining their ranks of volunteer firefighters. There are a wide variety of reasons for this decline, but its impact is unmistakable. NFPA statistics show a consistent, significant downward trend over the last two decades.

Fortunately, relatively small investments in one or two career personnel can pay large dividends to a rural community served by a predominantly volunteer department. For example, by hiring a full-time training officer the department can maximize the safety and productivity of its volunteers by making sure their training regimen is up-to-date and that certifications are current for all firefighters.

Congress and the Staffing for Adequate Fire and Emergency Response (SAFER) Act

On May 22, 2003 the Senate recognized the importance of establishing a federal initiative to enable State and local governments to hire additional firefighters through passage of a legislative amendment including firefighter staffing provisions. This is a significant step as the Federal Government has recognized and responded to fire and emergency service staffing needs. Unfortunately, this legislation authorized less than one-half of the \$7.5 billion that is needed to support the SAFER Act. We look to the House of Representatives to pass SAFER with full funding and support its move through congressional conference.

It is important to recognize the leadership that Chairman Boehlert has offered by introducing the SAFER Act. This legislation helps communities meet minimum fire personnel needs in a variety of emergency situations. It builds upon the highly successful Assistance to Firefighters grant program (also known as the FIRE Act), which provides fire departments funding for basic equipment and training, and helps make our communities more safe for the first responders and citizens of this great nation.

BIOGRAPHY FOR MICHAEL D. QUILL

My name is Michael D. Quill and I am the Fire Chief of Auburn, NY. I was born and raised in Auburn; after graduating from high school, I entered the United States Marine Corps and served on active duty for four years, including a tour in Vietnam. Upon completion of my enlistment, I started my career with the Auburn Fire Department in November of 1973. During my 29½ years I have worked in all ranks of the Department from Firefighter to Lieutenant, to Captain, to Municipal Training Officer to Assistant Chief and, in February of 1995, I was promoted to Chief of Department. I have been married to the former Joan McDonald for twenty-nine years. We have two children. Michael Jr. is a Police Officer in North Syracuse, NY and Colleen has just graduated from State University of New York at Cortland with a Bachelor of Science Degree in Elementary Education.



Focused on being
The Best Small City in New York State

CITY OF AUBURN

Department of Fire
Michael D. Quill, Chief

June 2, 2003

The Honorable Sherwood Boehlert
Chairman, Science Committee
2320 Rayburn Office Building
Washington, DC 20515

Dear Congressman Boehlert:

Thank you for the invitation to testify before the U.S. House of Representatives Committee on Science, on June 4th for the hearing entitled *The Staffing for Adequate Fire and Emergency Response (SAFER) Firefighters Act of 2003*. In accordance with the Rules Governing Testimony, this letter serves as formal notice of the Federal funding I currently receive in support of my research.

I received no federal funding directly supporting the subject matter on which I testified, in the current fiscal year or either of the two proceeding fiscal years.

Sincerely,

A handwritten signature in cursive script, reading "Michael D. Quill".

Michael D. Quill
Fire Chief

MDQ/lps

Chairman BOEHLERT. Thank you very much, Chief. Chief Cash.
 Mr. CASH. Mr. Chairman, thank you for the opportunity—
 Chairman BOEHLERT. Microphone, please.

**STATEMENT OF MR. JEFFREY C. CASH, CHIEF, CHERRYVILLE,
 NORTH CAROLINA FIRE DEPARTMENT**

Mr. CASH. Thank you for your leadership, Mr. Chairman, and Mr. Hall, as well. Thank you, Mr. Miller, for the introduction.

Mr. Chairman and Members of the Committee, my name is Jeff Cash. I currently serve as the volunteer Fire Chief for the City of Cherryville Fire Department in Cherryville, North Carolina. In addition, I work full-time as a program coordinator for the North Carolina State Firemen's Association. I also serve as the State's Director, or Delegate, to the National Volunteer Fire Council. The National Volunteer Fire Council represents interests of the Nation's nearly 800,000 volunteer firefighters who staff nearly 90 percent of America's fire departments.

Thank you for the honor and privilege you have afforded me by allowing me to address this committee and express my views concerning H.R. 1118, the Staffing for Adequate Fire and Emergency Response Act and the manpower needs of America's Fire Service. Over the past year, you have heard from many national Fire Service organizational leaders regarding the SAFER Act. I am sure that their information has provided you with much insight to this bill and how it will positively effect America's Fire Service.

Personnel shortages are a tremendous concern for America's Fire Service. Many departments and communities of all sizes struggle on a daily basis to adequately staff local fire stations and respond to calls. Personnel shortfall endangers the safety of firefighters and hinder their ability as first responders to effectively protect the public from fires and other hazards. Many studies and standards, such as NFPA that you have previously heard about, indicate there needs to be a minimal number of personnel on-scene to perform life-saving measures safely. Other studies indicate proper staffing is required to adequately protect property. Simply put, when firefighters can not safely work, they are unable to save lives and property.

The SAFER Act authorizes the U.S. Fire Administrator to make grants to states and local governments to hire additional firefighters. The National Volunteer Fire Council and I support the passage of this legislation. Modeled after the highly successful COPS Program, the local governments would jointly share in the cost of hiring new firefighters over a 4-year period until the local jurisdiction could absorb responsibility for funding the new positions. This would provide for the safety of our firefighters as well as help ensure on-scene efficiency and allow the Fire Service to guarantee quality fire protection to the communities across our land.

With all of these critical issues facing volunteer fire departments, I feel the SAFER bill should also include a recruitment and retention component to provide additional grants to local fire departments as local, State, or national Fire Service organizations. These grants, at a fraction of the cost of hiring grants, would go a long way to reverse the trend of high turnover in the volunteer fire serv-

ices as well as the national trend that has resulted in the loss of nearly 15 percent of the volunteer ranks in the last 20 years.

Some possible programs that could be implemented with the recruitment and retention grants include national and local recruitment campaigns, the creation and augmentation of length of service award programs, other pension programs for volunteers, tuition assistance for higher education, and affordable housing programs, to mention a few.

In fact, since September the 11th, 2001, the President of the United States has been encouraging all Americans to commit to service of their neighbors and their nation by becoming volunteers through Citizen Corps Initiative. Although I am encouraged by this initiative, we need to ensure that the recruitment of volunteer emergency service personnel is a vital part of that program.

The main reasons additional firefighters that—are needed are: to provide for a higher level of safety for firefighters and victims during emergencies; to promote a higher degree of efficiency on the scene of these emergencies; to improve training to protect the communities across America; and in some cases, simply meet recommended standards.

Why should the Federal Government be involved? For the majority of these responses, most local fire departments can respond to, they can be handled with one- or two-engine companies, sometimes supplemented by neighboring fire departments. This was before September the 11th. That day changed forever the role of the American Fire Service as well as our country. Not only does the local fire department continue to respond to fires and medical calls, but now is looked upon by its community to respond to hazardous material incidents, incidents involving weapons of mass destruction, as well as terrorism. And as we all know, terrorism has become a national issue. Local governments simply can not meet these financial demands. Being prepared through staffing, training, equipment, and coordination of these type of incidents will require financial assistance from the Federal Government.

Finally, it is my understanding that on May 23, 2003, the United States Senate voted to add the SAFER bill as an amendment to the fiscal year 2004 Defense Authorization Bill, S. 1050. However, the House passed their version of the bill, H.R. 1588 without including the SAFER bill language. I urge the Members of this committee, and all Members of the House, to support keeping this language in its final version currently being worked out by conference committee.

In closing, Mr. Chairman, again, I want to thank you for your leadership and for the opportunity to share my views with this committee and for your steadfast support of the Nation's fire service. I will be glad to answer any questions that you may have.

[The prepared statement of Mr. Cash follows:]

PREPARED STATEMENT OF JEFFERY C. CASH

Mr. Chairman and Members of the Committee, my name is Jeff Cash. I currently serve as the Volunteer Fire Chief for the City of Cherryville Fire Department in Cherryville, North Carolina. In addition, I work full-time as Program Coordinator for the North Carolina State Firemen's Association. I also serve as North Carolina's State Director to the National Volunteer Fire Council (NVFC). The NVFC rep-

resents the interests of the Nation's nearly 800,000 volunteer firefighters, who staff nearly 90 percent of America's fire departments.

The Cherryville Fire Department consists of thirty-six total members, seven of which are full-time employees. The career personnel work a two-man per shift 24-hour rotation. Within these seven full-time employees is a Fire Inspector/Fire Educator who also serves as a daytime suppression employee. To supplement this full-time staff is a part-time clerical person.

The remaining twenty-nine members of the department are volunteer/paid on call. We have one station which houses two engines, one aerial truck, and a brush truck. The Cherryville Fire Department averages approximately 1,050 calls per year. The breakdown of calls is approximately 350 fire calls and 700 medical calls.

Thank you for the honor and privilege you have afforded me by allowing me to address this committee and express my views concerning H.R. 1118, the *Staffing for Adequate Fire and Emergency Response (SAFER) Act* and the manpower needs of America's fire service. Over the past year, you have heard from many national fire service organization leaders regarding the SAFER Act. I am sure that their information has provided you with much insight into how this bill will positively affect the American Fire Service. During my testimony, I will attempt to provide additional justification for this bill by providing you with a glimpse into the needs and issues of my local jurisdiction.

Personnel shortages are a tremendous concern of America's fire service. Many departments, in communities of all sizes, struggle on a daily basis to adequately staff local fire stations and respond to calls. Personnel shortfalls endanger the safety of firefighters and hinder the ability of first responders to effectively protect the public from fire and other hazards. Many studies and standards indicate there needs to be a minimum number of personnel on-scene to perform lifesaving measures safely. Other studies indicate proper staffing is required to adequately protect property. Simply put, when firefighters cannot safely work, they are unable to save lives and property.

The SAFER Act authorizes the U.S. Fire Administrator to make grants to State and local governments to hire additional firefighters. The NVFC and I support passage of this legislation. Modeled after the highly successful COPS Program, local governments would jointly share the costs of hiring new firefighters over a four-year period until the local jurisdiction could absorb the responsibility of funding the new positions. This would provide for the safety of our firefighters as well as help insure on-scene efficiency and allow the fire service to guarantee quality fire protection to the communities of America.

As long ago in Philadelphia, one of our forefathers, Benjamin Franklin, served as a volunteer firefighter. As founder of one of America's first fire departments, Franklin served his community as best he could. Remembering that he was a very busy man, I suppose old Ben missed a few fire calls, but I feel certain that he was there when he could be. I don't know how much time was required of firefighters back then, but I believe it was surely less than it is today. As Philadelphia grew, career firefighters began to replace volunteers because of call volume and other demographic changes. But rest assured, volunteer fire companies still play a major role and remain a way of life in the communities surrounding Philadelphia today. Much is the same where I live.

I come before you today to tell you about my hometown and the fire protection we offer to our citizens. I want to discuss the challenges we face, and to seek your help in alleviating difficulties in delivering high quality fire and rescue services. From talking with fire service leaders across our nation, I believe these problems are common throughout the country.

As Fire Chief, I have aggressively pursued budgeting for necessary staffing, equipment, and operational needs. A city our size (pop. 5,800) continues to feel the great impact caused by budget cuts, which are a result of the present economic situation. The City of Cherryville is losing dollars almost daily from its tax base. Furthermore, we are possibly facing cuts in this year's budget. To add to our woes, the state of North Carolina is also withholding monies from the budget for the City of Cherryville. Our county officials are considering changes in the way they distribute sales tax revenue to the municipalities. This would have a dramatic impact on both the city and fire department budgets. Since my department is already operating at below minimum staffing levels, we are even more concerned about providing adequate fire protection and keeping our firefighters safe. My community, under current conditions, can barely stay operational. With basic infrastructure needs alone, my community is overwhelmed.

My county, Gaston County, has an unemployment rate of 8.1 percent. The City of Cherryville is uniquely located at the northwestern corner of the county surrounded by Cleveland County and Lincoln County. The unemployment rate for

Cleveland County is 11.4 percent and Lincoln County is 11.3 percent. The actual job loss from the City of Cherryville since 1995 is over 3,900 jobs. This number is derived mostly from losses in the textile and trucking industries. The annual payroll loss is approximately \$86 million. You can see from these statistics how economically crippled my community has become. A shrinking tax base results in budget cuts. My community simply cannot afford manpower and staffing costs above its current funding levels. This, in turn, affects our ability to deliver adequate fire protection, and as Fire Chief I am greatly concerned about the safety of our firefighters.

Gaston County is a suburban county in North Carolina that has a population of 190,000. Fire service for the fifteen municipalities and unincorporated areas of the county is provided by some 28 fire departments ranging from fully paid (Gastonia) to combination paid/volunteer (Cherryville, Belmont, Mount Holly, and Stanley) with the remaining departments staffed on a fully volunteer basis. Current staffing in the county includes approximately 600 volunteer members, a number that has remained fairly constant for more than 10 years.

Annually, the part-time and volunteer firefighters answer more than 7,500 calls for service. This call volume has significantly increased over the past decade. Please understand that while the number of volunteers available has remained steady, the work load has increased drastically. Let's compare the Cherryville Fire Department's 1968 Annual Report to our 2002 Annual Report. In 1968, the department's 26 members spent 564 hours answering 66 calls for service and trained for a total of 650 hours. In total, members donated about 50 hours per year to the department. In 2002, our department's 36 members spent more than 4,000 hours on 996 calls to which they were assigned and trained for a total of 1,700 hours. Our average member donated more than 160 hours last year.

We are facing more calls, more time demands, and higher training standards, yet we live in an economy that is less charitable than in previous years. Few, if any business and industrial concerns are willing to allow firefighters to respond from work. Many times members are struggling to meet the financial demands for themselves and their families, and cannot afford to leave a paying job to volunteer. Often, we lose members because they hold second, even third jobs, trying to make financial ends meet. Many of our firefighters must drive out of our community to work which compounds our problem of staffing, especially during daytime hours. Several of my volunteer firefighters commute one hour to the Charlotte metro area, work eight hours, and then commute one hour home. This makes their availability to respond to calls for service very limited. This is compounded by the demands of family and church. Bottom line, where time is at a greater premium, community service holds less of an importance.

In 1968, a person was considered a firefighter when they completed 42 hours of training. Given the equipment used then and the situations that were encountered, 40-80 hours of training was probably sufficient to indoctrinate a person. As the complexity of equipment used and situations now encountered are more diverse, training demands have increased. Before placing a person in danger's way, minimal training is needed to achieve compliance with the National Fire Protection Association's minimum standards. Firefighter I, considered the minimum training, requires over 200 hours. Firefighter II is another 150 hours. To be certified as an Emergency Rescue Technician requires 240 hours of training. For Emergency Medical Technician's, the minimal training required to treat patients in an ambulance is over 160 hours. More recent years have added training requirements for recognition and proper handling of incidents involving hazardous materials, weapons of mass destruction and now terrorism events.

You may have heard some suggest that we need to reduce training requirements for volunteers. I however have chosen another path. Fire does not know, nor care, the employment status of a firefighter. It kills and injures volunteer and career firefighters without regard. Citizens deserve well-trained, experienced responders.

Granted, anywhere in the United States a large portion of our calls can be handled with four responders. It is those larger incidents where 15-20 members are required to safely and adequately function that become a problem.

A 1999 survey conducted of Gaston County's Fire Service indicated that the average turnover of volunteers exceeds 25 percent annually. As with any business, this turnover rate is unhealthy. When we average retaining a person only four years, we have less experience and are constantly training new members. Officers are more prone to have good technical skills rather than having the opportunity to develop leadership skills needed to coordinate and to some extent, accommodate volunteer workers.

So what is needed? Volunteers are not free. Their time—time away from their families, time away from their jobs, and time to respond—is donated but it costs them. Lack of time is the most often cited reason for not joining and for leaving

the fire/rescue services. Other reasons include jobs, second jobs, family, children, aging parents, church, and general overload.

Often we find that a person who will train for and respond to emergencies does not have sufficient time to attend to routine details such as equipment maintenance, record keeping, business meetings, and fundraising activities within the fire station. These details are essential for fire department operation; however, many are unwilling to volunteer time to accomplish that portion of the mission. Sometimes adequate funding can remove barriers to accomplishing these tasks. We must fund individual communities to assure that sufficient, adequately trained personnel are available to meet their citizens' needs.

With all of these critical issues facing volunteer fire departments, I feel that the SAFER Bill should also include a recruitment and retention component to provide additional grants to local departments, as local, State or national fire service organizations. These grants, at a fraction of the cost of the hiring grants, would go a long way to reverse the trend of high turnover in the volunteer fire service as well as the national trend that has resulted in a loss of nearly 15 percent of the volunteer rank in the last 20 years. They would be very useful for departments that won't have the ability or need to take part in the hiring part of the program.

Some possible programs that could be implemented with recruitment and retention grants include; national and local recruitment campaigns; the creation and augmentation of length of service award programs and other pension programs for volunteers; tuition assistance for higher education; and affordable housing programs.

In addition, since September 11, 2001, the President of the United States has been encouraging all Americans to commit to service of their neighbors and their nation by becoming volunteers through the Citizen Corps Initiative. Although I am encouraged by the initiative, we need to ensure that the recruitment of volunteer emergency services personnel is a vital part of that program.

Additionally, if a stipend for response generates member retention, we need to implement it. If tax breaks to businesses to allow members to respond from work are needed, make it so. Should the answer be more community involvement, hire a coordinator to facilitate activities. Other solutions include tax breaks for volunteering, stipends for response and training, career staff to facilitate training when individual volunteers are available, and hiring career members to complete administrative tasks. All of these solutions are part of a system to reduce demands so volunteers can focus on the most important tasks—fighting fires and serving their fellow Americans.

Increased call volume, increased training demands, and greater requirements are facts of life in America. Firefighting gets no relief. Back to Ben Franklin, please understand that there is a great probability that he would not have time to volunteer as a firefighter in today's age. He would be too busy developing a country, discovering electricity, writing, and speaking. One has to ask, how many good, even great leaders would or could volunteer if we simply made it more conducive to their schedules?

In addition, we need to ensure that firefighters hired under the SAFER Bill are guaranteed the right to continue to volunteer in other jurisdictions during their off-duty hours. Many career firefighters who work in larger communities often live in smaller communities and belong to their local volunteer fire volunteer departments. These individuals should be able to provide their invaluable knowledge and expertise to their local department, which are responsible for protecting their own homes and family, without harassment from employers or labor organizations.

Finally, it is my understanding that on May 23, 2003 the United States Senate voted to add the SAFER Bill as an amendment to the FY 2004 Defense Authorization bill (S. 1050). However, the House passed their version of the bill (H.R. 1588) without including the SAFER Bill language. I urge the Members of this committee and all Members of the House to support keeping the language in the final version that is currently being worked out in a conference committee.

In closing Mr. Chairman, I once again thank you the opportunity to share my views with the Committee and for your steadfast support of the Nation's fire service. I would be happy to answer any questions you may have.

BIOGRAPHY FOR JEFFERY C. CASH

Objective:

To utilize my teaching, human relations, organizational skills, and leadership ability to design and implement overall programs that assist firefighters in protecting and serving the citizens of their community.

Experience:

January 2003–Present—Cherryville, NC

NORTH CAROLINA STATE FIREMEN'S ASSOCIATION

Position Held: Program Coordinator

December 1981–Present—Cherryville, NC

CITY OF CHERRYVILLE FIRE DEPARTMENT

Positions Held: Firefighter, Driver Engineer, Captain/Training Officer, Fire Chief, and City Emergency Management Director. Currently serving as Volunteer Fire Chief

September 1981–December 1981—Shelby, NC

CITY OF SHELBY FIRE DEPARTMENT

Position Held: Firefighter

June 1979–September 1981—Rock Hill, SC

CITY OF ROCK HILL FIRE DEPARTMENT

Position Held: Firefighter

Education:

- Cherryville Senior High School
- Cleveland Community College
- Gaston College

Fire Service Training

- North Carolina Certified Firefighter Level III
- North Carolina Certified EMT Defibrillation
- North Carolina Certified Fire Officer
- North Carolina Certified Hazardous Material Responder
- North Carolina Certified Arson Investigator
- North Carolina Certified Fire Inspector Level III
- Fire Chief Executive Development Program Institute of Government UNC Chapel Hill

Professional Activities:

- Winner of I.S.F.S.I. Company Officer Scholarship, April 1984, paper published.
- NC Fire College & NC Breathing Equipment School (Lead Instructor)
- Gaston College Senior Instructor
- Cherryville Firefighter of the Year, December 1987
- NC Firemen's Association Fireman of the Year, 1990
- Region 11 Training Advisory Committee
- NC Department of Insurance Fire Control Validation Committee
- NC General Assembly Legislative Study Commission 1998, 1999
- North Carolina State Director to National Volunteer Fire Council
- Founder North Carolina Gateway Project
- NC State Firemen's Association Board of Directors August 1995–August 2001

Fire Service Organizations:

- International Society of Fire Service Instructors
- National Volunteer Fire Council
- NC Fire Chief's Association
- NC Society of Fire Service Instructors
- NC Chapter International Association of Arson Investigators
- Gaston County Firefighters Association, Board of Directors
- Western NC Firemen's Association
- Gaston College Advisory Committee (Chairman)
- NC State Firemen's Association Legislative Key Contact

Community Activities:

- Member of First Baptist Church, Cherryville, Deacon Board, Past Chairman
- South Elementary Parent Advisory Board, Chairman
- Precinct Chairman, Precinct #44 Cherryville, 1988–1992
- Little League Baseball Coach, 1990–1998
- Little League Baseball NC District One District Administrator
- Little League Baseball International Advisory Board Member
- Ironmen Booster Club, Past President
- NC Baptist Men (Disaster Relief Committee)
- NC 26th Regiment, Civil War Re-enactor, Private
- Cherryville Country Club Board of Directors

References:

- Paul Miller, Executive Director, North Carolina State Firemen's Association, P.O. Box 188, Farmville, NC 27828; 800–253–4733
- Ken Briscoe, Office of Fire Marshal, 1426 Overlook Drive, Lenoir, NC 28645; 800–634–7854

Fire Chief Jeff Cash

Jeff Cash is a native of Cherryville, North Carolina. He graduated from Cherryville High School in 1978 and attended Cleveland Community College and Gaston College. Jeff began his career as a firefighter for the City of Rock Hill, South Carolina in June 1979. In September 1981, he accepted a position as a firefighter with the City of Shelby, North Carolina. In December 1981, he accepted a position as a firefighter/driver engineer with the City of Cherryville. He also held the positions of Captain/Training Officer, City Emergency Management Director, and was promoted to Fire Chief in 1986. Since January of 2003, he has served as the full-time Program Coordinator for the North Carolina State Firemen's Association and Volunteer Fire Chief for the City of Cherryville Fire Department.

During the past twenty-four years, he has been involved with the Fire Service at all levels. Chief Cash has served as an officer for the Gaston County Firemen's Association, as President of the Western North Carolina Firemen's Association, and on the Board of the Directors for the North Carolina State Firemen's Association for seven years. In 2001, Jeff served as the President of the North Carolina State Firemen's Association. This organization represents 44,000 firefighters across the state of North Carolina. In 1990, Jeff was chosen by his peers as the North Carolina State Fireman of the Year. In 1999, Jeff was appointed to the National Volunteer Fire Council as North Carolina's State Director. He still currently serves in this position.

Jeff is married and has two sons who both attend Appalachian State University in Boone, North Carolina. He currently serves as District Administrator for Little League Baseball. He also serves on the Little League Baseball International Advisory Board. He and his family live in Cherryville, NC and are active members of the First Baptist Church.

Cherryville Fire Department, Cherryville, NC

City of Cherryville consists of 4.2 square miles with a population of approximately 5,800. The city is located in the Western Piedmont of North Carolina. The township of Cherryville consists of approximately 14,000 people. Gaston County's population is 190,000.

The Cherryville Fire Department consists of thirty-six total members, seven of which are full-time employees. The career personnel work a two-man per shift 24-hour rotation. Within these seven full-time employees is a Fire Inspector/Fire Educator who also serves as a daytime suppression employee. To supplement this full-time staff is a part-time clerical person.

Chief Jeff Cash currently serves the fire department as its Volunteer Fire Chief. He provides overall leadership and management of the department. The remaining twenty-nine members of the department are volunteer/paid on call. They have one station which houses two engines, one aerial truck, and a brush truck. The Cherryville Fire Department averages approximately 1,050 calls per year. The breakdown of calls is approximately 350 fire calls and 700 medical calls.

June 4, 2003

Honorable Congressman Sherwood L. Boehlert
Chairman
House Committee on Science
2230 Rayburn House Office Building
Washington, DC 20515-6301

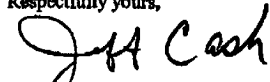
Dear Chairman Boehlert:

I am providing this letter to you in an effort to comply with the rules governing testimony before the Committee on Science for the 108th Congress. The rules state that a letter of financial disclosure is required for persons who testify before Congress who are not representing a governmental entity.

I do represent a governmental entity. The entity I represent is the City of Cherryville Fire Department; however, I did want to make you aware that the Cherryville Fire Department did in fact receive a federal grant through the Federal Emergency Management Agency. The department received FEMA's FY 02 Assistance to Firefighters Grant for \$82,800.00. This grant was used to purchase a piece of firefighting apparatus.

Should you need additional information, please let me know. Thank you for the opportunity to provide testimony to your committee.

Respectfully yours,



Jeff Cash, Fire Chief
City of Cherryville Fire Department

Chairman BOEHLERT. Thank you very much, Chief.
And now for our final witness, Mr. McNeill.

**STATEMENT OF MR. MICHAEL D. MCNEILL, 9TH DISTRICT
VICE PRESIDENT, INTERNATIONAL ASSOCIATION OF FIRE-
FIGHTERS (IAFF), DENVER, COLORADO**

Mr. MCNEILL. Thank you, Mr. Chairman, and good morning. My name is Mike McNeill, and I am the 9th District Vice President of the International Association of Fire Fighters. And as noted by Congressman Udall, I represent the States of Colorado, Wyoming, Utah, Nevada, and Oregon. And indeed, most everything has been said, and I will keep that in mind and try to keep my remarks brief.

For 33 years, I have had the honor of being a professional firefighter in Denver, Colorado. And during those years, I also served as the President of both the local union, Local 858 of the IAFF, and

the Colorado Professional Fire Fighters. On behalf of General President Harold Schaitberger and the 260,000 professional firefighters and emergency medical personnel of the IAFF, who collectively protect over 75 percent of our country's population, I am pleased to be here today testifying on H.R. 1118, the SAFER Firefighters Act.

Let me begin by thanking you, Mr. Chairman, for your leadership on this vital issue. Your sponsorship of H.R. 1118 is greatly appreciated by all of the Nation's firefighters.

For nearly 100 years, the members of the IAFF have been first on the scene whenever and wherever people's lives are in jeopardy. However, firefighting is only one of our many tasks. As noted by you, Mr. Chairman, we are the Nation's primary providers of pre-hospital emergency medical care. We are the ones who respond whenever hazardous material is released into the environment. We search and rescue for people who are trapped or in danger, and more recently, we have assumed the role of the Nation's first responders to acts of terrorism.

To meet these critical and growing demands, we need adequate numbers of firefighters. Firefighting is a labor-intensive operation that requires sufficient numbers of properly trained and equipped personnel to perform safely and efficiently at the scene of an emergency. Unfortunately, far too many fire departments fail to deploy adequate numbers of firefighters to get the job done.

And the current economic downturn has exacerbated this problem. For example, my own fire department in Denver, Colorado has reduced the number of firefighters on duty, and is considering instituting rolling blackouts where a fire station is closed for a day on a rotating basis. And the City has told the fire department to be prepared to lay off an additional 72 firefighters this year. I wish I could say Denver is unique, but it is not. Fire departments are reducing staff and closing fire stations from Washington State to New York State. Nationwide, there is a critical shortage of firefighters, and that shortage represents a weak link in our homeland defense.

Compounding the staffing shortage is the additional burden we have assumed of protecting Americans against acts of terrorism. This creates an unprecedented challenge for the Fire Service. Each time the alarm rings, we must be prepared for the possibility that we are responding to an act of war. Our enemies possess weapons of mass destruction and appear to be unafraid to use them. If a biological, chemical, or radiological attack is unleashed against America, firefighters will be the first to respond. Far too many departments do not have adequate personnel to perform their mission. And as noted by Congressman Pascrell, currently $\frac{2}{3}$ of all fire departments are not able to comply with the National Consensus Standards and OSHA regulations for minimum staffing.

Two-thirds is an outrageous statistic. The frightening fact is we simply don't have enough people to get the job done. In a recent survey, FEMA found that a vast majority of fire departments can not respond to emergencies in a timely manner. When firefighters do reach the scene, there are not enough personnel to do the job safely and effectively. And Senator Dodd noted that only 11 percent of our nation's fire departments can handle a structural collapse in-

volving rescue and EMS operations for over 50 people. Considering the enormity and the destruction on September 11 and in Oklahoma City or that caused by Hurricane Andrew, it is both sobering and sad to know that only a small segment of our population has real protection from terror or natural disasters.

Firefighter staffing has always been and always will be a local responsibility, and we are not suggesting that change. But in this dangerous New World in which we live, the Federal Government has a responsibility to help communities attain the minimum staffing levels necessary to operate safely in protecting the public. Such assistance should be targeted, temporary, but it must be provided quickly and broadly.

On September 11, 2001, we witnessed one of the worst case scenarios. Terrorism experts had warned us that we should have been better prepared. The string of attacks that we suffered in the 1990's, including the first attack on the World Trade Center and the Oklahoma City bombing, should have alerted us to the threat. Firefighters have painfully learned the lessons of September 11. We watched and we grieved as 343 of our brothers perished that day.

We know that in order to protect our homeland against future terrorist attacks, the Nation must address the staffing cuts in our fire departments. Federal dollars for equipment and training are only as effective as the number of firefighters available to do the job. To maximize that expenditure and to ensure adequate homeland security, more firefighters are needed, and that, Mr. Chairman, is being answered by passing H.R. 1118.

In closing, I have noted that the Senate has passed an amendment to the Defense Authorization Bill for 2004. And the IAFF strongly encourages this committee to support retaining this provision in the upcoming conference committee.

Mr. Chairman, thank you for the opportunity to testify before you. And I would be pleased to answer any questions that the Committee may have.

[The prepared statement of Mr. McNeill follows:]

PREPARED STATEMENT OF MICHAEL D. MCNEILL

INTRODUCTION

Good morning, Mr. Chairman. My name is Michael D. McNeill, and I am the 9th District Vice President for the International Association of Fire Fighters (IAFF).

For 33 years of my life, I had the honor of being a professional firefighter in Denver, Colorado, until I retired from active service in 2000. During my years in the firehouse, I also served as President of Denver Fire Fighters, IAFF Local 858, President of the Colorado Professional Fire Fighters, and since 1984, IAFF 9th District Vice President, which encompasses the great states of Oregon, Nevada, Utah, Wyoming, and Colorado.

On behalf of General President Harold Schaitberger, and the 260,000 professional fire fighters and emergency medical personnel we represent throughout the United States; and, who according to a recently released FEMA study, collectively provide fire and emergency response protection to over $\frac{1}{4}$ of the Nation's population, I am pleased to testify on H.R. 1118, the S.A.F.E.R. Firefighters Act.

Let me begin by thanking you for the commitment you've made to the U.S. fire service as demonstrated by your sponsorship of H.R. 1118. Your leadership and unrelenting pursuit in seeking to enact the SAFER legislation is an inspiration to us all. The Nation's firefighters thank you and we will not forget all that you do to ensure that we are safe and effective as we perform our duties in protecting our communities and the Nation.

FIRE FIGHTER STAFFING

For nearly 100 years, the members of the IAFF have been the first on the scene whenever and wherever people's lives are in jeopardy. Firefighting is only one dimension of our work. We are the Nation's primary providers of pre-hospital emergency medical care. We are the ones who respond whenever a hazardous chemical is released into the environment. We search for and rescue people who are trapped or in danger. And more recently, in addition to all we have been doing, we must also assume the role of the Nation's first responders to acts of terrorism.

To meet these crucial and growing demands, we need an adequate number of firefighters. Firefighting always has been and always will be essentially about people. It is a labor-intensive operation that requires large numbers of properly equipped and trained personnel to perform the myriad tasks that must be undertaken at an emergency scene.

Unfortunately, far too many fire departments are currently deploying inadequate numbers of firefighters to respond safely to emergency situations. And the current economic downturn has exacerbated this problem. Even after the lessons of September 11th, municipalities are failing to adequately staff fire departments.

Examples of short staffing are common in every part of the country. My own fire department in Denver, Colorado has laid off firefighters, and has recently instituted "rolling blackouts" where fire stations are closed for a day on a rotating basis. It's your tough luck if you happen to need a firefighter on the day that your local station is closed. And the city has told the fire department to prepare to lay off an additional 72 firefighters this year.

I wish I could say that Denver is unique. Sadly it is not.

- In New York State, both New York City and Buffalo are closing fire stations.
- In Massachusetts, Springfield has already laid off 53 firefighters, and Worcester is honoring the memory of the six firefighters who died in that horrific warehouse fire three years ago, by laying off 17 firefighters.
- In the Midwest, Minneapolis has laid off 44 firefighters, Dayton has eliminated four engine companies and reduced the number of firefighters per apparatus, and the township of Bellaire, Ohio plans to close the fire department altogether.
- In Texas, the cities of Dallas and Fort Worth have proposed shutting down companies. And Fort Worth and Houston have reduced the number of firefighters per apparatus.
- In the west, Phoenix plans to eliminate three engine companies and lay off 42 firefighters and Seattle has proposed eliminating 31 firefighters.

These are just a few examples of a nationwide critical shortage of firefighters that represents a weak link in our homeland defense.

Compounding the staffing shortage is the new the mission to protect Americans against terrorist acts, which pose a number of unprecedented challenges for the fire service. Each time the alarm rings, we must be prepared for the possibility that it is an act of war. Our enemies possess weapons of mass destruction, and appear unafraid to use them. If a biological, chemical, or radiological attack is unleashed against Americans, it will be firefighters who will respond first. Moreover, terrorism is forcing us to rethink how personnel are deployed. Rather than viewing incidents as isolated events, we must confront the possibility that each incident is but one part of a coordinated attack.

Quite simply, far too many local fire departments don't have adequate personnel to perform their mission. With the new dangers posed by terrorists, this situation has reached crisis proportions. Whether it be a containment and evacuation mission following release of a radiological material in Texas, evacuating a skyscraper in Los Angeles, or providing emergency medical care to Members of Congress following an explosion in the Capitol, the frightening fact of life is that we simply do not have enough people to get the job done.

Staffing Studies

Numerous studies have documented the extent of fire fighter understaffing and the impact it has on fire fighter safety and community security.

The National Fire Protection Association (NFPA)—the consensus, standard making body of the fire service—recently completed a report entitled "*Preparing for Terrorism: Estimated Costs to U.S. Local Fire Departments.*" The study found that an additional 75,000 to 85,000 firefighters are needed to fully staff fire departments to be able to safely respond to traditional emergencies and to minimally respond to terrorist incidents.

Initiated at the request of the Council on Foreign Relations, the report identified two causes for insufficient firefighters. One, fire departments do not have enough fire stations within their communities to meet minimum response times. Two, many departments were responding with less firefighters than required by national standards. When NFPA extrapolated the need to fill the two gaps, it found that between 75,000 and 85,000 additional firefighters are necessary.

In its seminal report, *"A Needs Assessment of the U.S. Fire Service,"* the United States Fire Administration found that the vast majority of fire departments cannot respond to emergencies in a timely manner, and when firefighters do reach the scene of an emergency, there are not enough personnel to do the job safely and effectively. The report found that up to 75 percent of our nation's fire departments have too few fire stations to meet response time guidelines. In fire departments that protect communities with a population of less than a million, it is common to respond to emergencies with an insufficient number of firefighters. Further, the report found that only 11 percent of our nation's fire departments could handle structural collapse involving rescue and EMS operations for over 50 people. Considering the enormity of the destruction on September 11th, in Oklahoma City, or caused by Hurricane Andrew, it is a sobering and sad fact that only a small segment of our population has real protection from terrorism or natural disasters.

Attempting to respond to fires or other hazards with inadequate personnel is not only ineffective, it is extraordinarily dangerous. Every year in our nation, firefighters lose their lives because there are not enough of them on scene to conduct a safe response.

A study conducted by the Seattle Fire Department found that the severity of firefighter injuries declined 35 percent when staffing per apparatus was increased from 3-person crews to 4-person crews. A study by the Dallas Fire Department found a direct correlation between staffing levels and both the safety and effectiveness of emergency response operations. Specifically, the Dallas study found that inadequate staffing delays or prevents the performance of critical tasks, increases the physiological stress on firefighters, and increases the risk to both civilians and firefighters. After analyzing their data, the authors of the Dallas study concluded, "staffing below a crew size of four can overtax the operating force and lead to higher losses."

And studies of firefighter fatalities have consistently identified inadequate staffing as a key factor in fireground deaths. Since 1997, NIOSH has investigated every firefighter line-of-duty death as part of its Fire Fighter Fatality Investigation and Prevention Program. Far too many of these reports have attributed these deaths to inadequate personnel on the scene.

NIOSH has been especially critical of the failure of fire departments to assure that there are adequate numbers of people stationed outside a dangerous environment during an interior fire suppression attack. In explaining the need for outside personnel who are prepared and equipped to perform rescues, one recent NIOSH report explained, *"Many firefighters who die from smoke inhalation, from a flashover, or from being caught or trapped by fire actually become disoriented first. They are lost in smoke and their SCBA runs out of air, or they cannot find their way out through the smoke, become trapped, and then fire or smoke kills them."* These tragic fatalities occur for only one reason: there are insufficient numbers of fire fighters on the scene.

Staffing Standards

The need for adequate fireground personnel has been formally recognized by standards-making bodies of both the Federal Government and the fire service industry. Both the Occupational Safety and Health Administration (OSHA) and NFPA, the consensus standards making body of the fire service, have promulgated standards designed to achieve safe staffing levels.

OSHA's "Two-In/Two-Out" Standard

In 1998, the Occupational Safety and Health Administration amended its Respirator Standard for firefighters and other employees engaged in dangerous occupations that require use of breathing apparatus. The revised standard formally endorsed a safe staffing rule known as "2-in/2-out" that left no doubt about the vital link between sufficient staffing and firefighter safety.

The 2-in/2-out regulation requires that whenever firefighters enter a burning structure or other dangerous environment, they must do so in teams of at least two that operate in direct visual or voice contact. Additionally, there must be at least two fully equipped and trained firefighters who remain outside the structure, who are capable of rescuing the firefighters inside should they become disoriented, trapped or injured.

Unfortunately, most fire departments do not currently deploy adequate staffing to comply with this basic safety regulation. The result is that on-scene incident commanders are faced with the Hobson's Choice of delaying operations until additional firefighters arrive or sending firefighters into dangerous environments without sufficient back-up personnel.

NFPA 1710

In the face of the mounting evidence of a severe shortage of firefighters, NFPA issued its first standard on minimum staffing for fire departments in the summer of 2001. NFPA Standard 1710, governing deployment and operations for fire and rescue departments, grew out of investigations into staffing related line-of-duty injuries and deaths.

Ten years in the making, NFPA 1710 established consensus standards for minimum safe staffing levels for basic firefighting operations; for responses to tactical hazards, high hazard occupancies, and high incident frequencies; and for overall, integrated fireground operations. If fully implemented, this standard would result in more effective and more efficient fire and EMS departments across the United States—and in our business that means lives saved.

OSHA's 2-in/2-out standard and NFPA 1710 clearly articulate the minimum staffing levels that fire departments need in order to perform emergency operations safely and effectively. Yet, as of today, jurisdictions that comply with these standards are in the minority. It is for this reason that federal assistance is needed and warranted.

The S.A.F.E.R. Fire Fighters Act

To address the staffing crisis facing our nation, a bipartisan group of Members of Congress crafted the SAFER Fire Fighters Act. In recent years, the Federal Government has increasingly recognized its responsibility to assist local governments with the cost of protecting Americans against hazards. Both the FIRE Act and the programs run by the Office of Domestic Preparedness (ODP) have provided training and equipment to local fire departments. Other federal programs provide funding for emergency response training involving transportation incidents, superfund sites and nuclear facilities.

None of these programs, however, currently provides any federal assistance for the most significant need of America's fire service: firefighting personnel. Even the FIRE Act, which was originally conceived of as a staffing proposal and lists staffing as the first of its 14 areas, cannot currently be used to hire firefighters due to the structure of the program and FEMA's decision to limit the purposes for which grants can be used.

The SAFER Act would address this void by providing grants to local fire departments to fund the hiring of 75,000 additional firefighters over a seven-year period. SAFER would create a four year program under which fire departments would apply for federal grants that would contribute to the costs associated with hiring new firefighters, not to exceed \$100,000 over four years for each firefighter hired. Local jurisdictions would then be required to retain the firefighter position(s) for at least one additional year.

The SAFER Firefighters Act is an innovative approach to solving the Nation's need for more firefighters. It is an example of the new type of federalism that our country needs to combat terrorism. Numerous federal studies and reports bemoan the lack of coordination between the different levels of government. The SAFER Fire Fighters Act would be a step towards better cooperation and coordination amongst local, State, and Federal governments to respond strongly and decisively to terrorism and other emergencies.

Although we are aware of no organized opposition to the SAFER Act, some Members of Congress have raised some legitimate questions, which I would like to address.

Some argue that paying for firefighter training and equipment may be a legitimate Federal Government function, but providing aid to hire personnel crosses some sort of boundary for appropriate federal involvement. But the Federal Government has long provided financial assistance to local government for the express purpose of hiring municipal employees, including police officers, teachers and many other occupations. President Bush's signature domestic issue, the No Child Left Behind Act, is only the most recent in a long line of federal programs that provide funding to hire local government workers.

Other Members question the authorized funding level. They argue that \$1 billion a year is too much money at a time of fiscal restraint. We disagree. Since September 2001, Congress has passed in excess of \$55 billion in supplemental appropriations for homeland security and the war on terrorism. Additionally, the President has pro-

posed over \$36 billion for homeland security in FY 2004, which includes the \$3.5 billion First Responder proposal. The funding is available. It is simply a matter of priorities.

As a firefighter, a first responder, and someone who represents America's Bravest, I am here today to tell you that no investment in Homeland Security will do as much to protect Americans as enactment of the SAFER Fire Fighters Act.

CONCLUSION

On September 11th, 2001, we witnessed one of the "worst case scenarios" that terrorism experts have warned us about. Yet, the string of attacks that we suffered in the '90s, including the first attack on the World Trade Center, and the Oklahoma City and the Olympics bombings, should have alerted us to the threat. We, as a nation, should have been better prepared for September 11th.

Firefighters have learned the lessons of September 11th. The signs won't be ignored as they were in the last decade. We know that the Nation must confront, and realistically deal with, the next great threat to our homeland—an attack using weapons of mass destruction. In order to realistically deal with future terrorist attacks, the Nation must address the staffing crisis in our fire departments. Federal dollars spent to purchase training and equipment for firefighters will only go as far as the number of firefighters. To fully maximize the money spent and to ensure adequate homeland security, more firefighters need to be hired.

Mr. Chairman, thank you for the opportunity to testify and I am pleased to answer any questions the Committee may have.

BIOGRAPHY FOR MICHAEL D. McNEILL

Mr. Michael D. McNeill served over 30 years with the Denver Fire Department. As a firefighter Technician, for close to a quarter century, he was on the frontlines protecting the citizens of Denver from fires, medical emergencies, and natural disasters. In recognition of his firsthand knowledge of firefighting and his superior communications skills, Mike McNeill was appointed the department's public information officer. He retired from the force in 2000.

During Mr. McNeill's years in the firehouse, he also served as the President of the Denver Fire Fighters, IAFF Local 858, the President of the Colorado Professional Fire Fighters, and since 1984, IAFF 9th District Vice President, which encompasses the states of Oregon, Nevada, Utah, Wyoming, and Colorado.

Michael is a lifetime resident of Denver, Colorado. He is married to Cynthia, his wife of 35 years, and they have three children Matthew, Amy, Beth and five grandchildren.



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®

HAROLD A. SCHAITBERGER
General President

VINCENT J. BOLLON
General Secretary-Treasurer

June 4, 2003

The Honorable Sherwood Boehlert
Chairman, House Science Committee
2320 Rayburn Office Building
Washington, DC 20515

Dear Chairman Boehlert:

On behalf of the 260,000 professional fire fighters who are members of the International Association of Fire Fighters (IAFF), I thank you for inviting our 9th District Vice-President, Michael D. McNeill, to testify before your committee, on June 4th for the hearing entitled *H.R. 1118 The Staffing for Adequate Fire and Emergency Response (SAFER) Act of 2003*.

In accordance with the Rules Governing Testimony, this letter serves as formal notice that the IAFF currently does not receive federal funding directly supporting the subject matter on which we testified, in the current fiscal year or either of the two preceding fiscal years.

Sincerely,

Harold A. Schaitberger
General President



DISCUSSION

Chairman BOEHLERT. Thank you very much. And I want to thank all of you. Your entire statements will be in the record immediately preceding your summation.

And this is a question I have for all of the witnesses. You know, there are differences in points of view on funding. I am wedded to the concept that we should bypass the States and the funding should go directly to departments. But there is a different point of view. And I would like to have your input on that. Let us start with you, Mr. Shannon.

Mr. SHANNON. Well, I can—Mr. Chairman, I certainly agree with you. I think that if we can bypass the States and go directly to the fire departments, as the points have been made earlier. First, it will get to them more quickly, and secondly, there will be less administrative overhead siphoned off. So we fully support going directly to the departments.

Chairman BOEHLERT. Chief Quill.

Mr. QUILL. I have to agree with everyone so far. They should go directly to the departments. The departments know what they need and how they can best equip their departments with the personnel versus the State. The State is of great assistance, but at this time, I don't believe they belong in the mix.

Chairman BOEHLERT. Okay. Chief Cash.

Mr. CASH. Well, Mr. Chairman, I agree as well. I had the opportunity to sit as a peer reviewer for the Fire Grants Act and see that that is very—a very successful program, and we would like to see this funding travel the same route, directly to the local fire departments.

Chairman BOEHLERT. Thank you. Mr. McNeill.

Mr. MCNEILL. I agree with the previous speakers, Mr. Chairman. The FIRE Act Grant is working well. I think it serves as a great model for distribution of funds under the SAFER Act.

Chairman BOEHLERT. Thank you very much. And Chief Cash, you pointed out something about the peer review. I am convinced that one of the reasons why we have had such great success with the FIRE Grant Program is that, quite frankly, the politicians, like me, are in the back. All we do is vote for the money, but the firefighters themselves establish the criteria and are on the peer review panels. And boy, we have got the politics out of it, and we have got the professionals, you guys, on the firing line doing the peer review. And that is something I really like.

Chief Quill, I—a lot of the local departments have difficulty filing applications for federal assistance. I know, and a number of us around the country, have tried to provide some assistance. I, for one, in my District, have had FEMA conferences to which I have invited all of the representatives of the fire services to help get a tutorial on how to fill out the application to know which number to call when you need a question answered, that type of thing. Do you feel that your department is capable, a small department in a small community, of developing an application for assistance under the FIRE Grant Program or the new SAFER Program, which we expect will be a reality shortly?

Mr. QUILL. I have completed the application myself this year for the Auburn Fire Department. After your sponsorship of a FEMA representative being in Auburn earlier this year, it really couldn't be any simpler. I am not a computer—I am not very computer-savvy. I can get through one and I can work with the answering machine, but they are extremely easy to complete, just basically fill in the blanks, not a lot of technical knowledge or—a firefighter can do it very easily.

Chairman BOEHLERT. So you felt with the FIRE Grant Program that you had the information you needed to comply with the application procedure?

Mr. QUILL. Absolutely. No problems whatsoever.

Chairman BOEHLERT. And would you suggest that we—if the SAFER Program becomes a reality, as we all hope, would you suggest we follow the same model?

Mr. QUILL. The same model, the same formats for application and for dispersal of the funds, the peer committee, as my fellow Chief said here, the—just follow them completely. It would be perfect.

Chairman BOEHLERT. Thank you. Chief Cash, your observations?

Mr. CASH. I agree, as well. The peer review process works. We have proven that it works. It is a very successful program, and we would like to see this funding, if possible, track this same route.

Chairman BOEHLERT. One last thing, and let me ask both of the Chiefs, have you been impacted by the loss of professional—of staff to the military? Chief Quill.

Mr. QUILL. Shortly after 9/11, we did have one member of our department called up to Naval Reserve duty, and it had a definite impact on our department. With his absence, we had to back-fill through overtime, canceling of certain time off, to fill this person's shoes. This last round we had, we had just hired an Army Reservist to come on board with the department. We were able to get a waiver for this individual not to go to active duty training until after his training with the Fire Service was complete. So it has hurt many, many fire departments throughout the country.

Chairman BOEHLERT. Thank you. Chief Cash.

Mr. CASH. We experienced the same problems as Chief Quill, not only in the Fire Service, but in our police agencies as well as our paramedic service. Several people serving in the National Guard were called up, and we were without those individuals during that time period.

Chairman BOEHLERT. Well, I see my red light is on, and I am going to be arbitrary on that. I am not going to give myself any more time than anyone else, because we all have a lot of questions, and we so appreciate all of you serving as resources. So we will go right to Mr. Hall.

Mr. HALL. Mr. Chairman, thank you. And thank you, gentlemen.

It is my understanding that the Dodd Amendment puts allocation through the States and the Boehlert Amendment goes directly to the departments. And I guess that is something that will be decided later. I am still—have a—my jury is out on that, because I don't have the input from my people in Texas on it. And I can see some danger in it going to—directly to the fire departments, because many of you in the larger and the major cities will have more

sophistication in writing those applications and there will be less sophistication in a rural part of east Texas, less need, I understand. But I think we need a lot of testimony and a lot of input to be sure that anything that is this important, and this is a very, very important bill to me and to the Chairman and to this committee and to this Congress, is to do it right and to be sure that everybody is taken care of. So I am—I remain an overall supporter of the thrust, but still need to hear some testimony and find some way to get to the people that I represent the best way for them to present their needs in this thrust. And Mr. President, I know you have interest in seeing all of them accommodated.

Mr. CASH, you indicate that the new firefighters hired under the SAFER bill would be guaranteed the right to serve as volunteers in their off-duty hours in volunteer departments. And I like that. I don't know what the problems are with it or anything, but—and I don't understand why this is a problem that needs to be addressed in this legislation, but I guess it is. And in an abundance of caution, we are going to address it, but it seems to make so much sense that it ought to be easily accepted and accomplished. Give me your ideas on that.

Mr. CASH. Thank you, sir. I have several firefighters that do fill-in work for me that are employees of the Charlotte Fire Department, one of the larger metro fire departments. And in some occasions, there are unions across the country that are encouraging their people not to serve as volunteers. We feel that that is a grave injustice. We feel that these firefighters that work at the larger municipal departments and live in our community, it is critical that they come back and volunteer their time to our community.

Mr. HALL. And you recommend in your testimony that the SAFER bill include a recruitment and retention component for these volunteer people.

Mr. CASH. Yes, sir; that is correct.

Mr. HALL. And has anyone attempted to document what really works best and that—how to obtain and retain?

Mr. CASH. We have done—there are studies out there, and we have tried different trial programs in our State. Some have worked, and some have been unsuccessful. But there are workable programs. Firefighters usually experience a burnout period after about four years. With the demands of their job, their family, their church, other activities, they are finding a hard time to be able to donate their time back to their community. So we need—

Mr. HALL. Well, that—

Mr. CASH. We need to strengthen efforts to do recruitment and retention.

Mr. HALL. They occupy a special place in the hearts of the people that—the areas of my District, and I thank all four of you for your input. Thank you for your appearance here today. It took time to get here, it took time to prepare for this, it took time to—that you are giving us. It is through people like you, experts that know what you are doing and who have been on the giving end, that we write this legislation and that we pass this legislation to make it acceptable to the people that have to support it and support the tax funds for it. Very worthwhile. I am honored to be a part and honored to

support this Chairman and his outstanding leadership in this arena. And thank you.

Chairman BOEHLERT. Thank you very much, Mr. Hall.

Dr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman.

I am obviously very supportive of improving Fire Service in this country and everything that is related to that. But I have one simple question I would like to have each of you address, and that is why should the Federal Government be involved? What can we offer that you can't do yourself? And I hope you don't say that it is because we have more money, because we are running a \$300 billion deficit. So the—and I am very serious about this. Why do you need our help? What can we bring to the table that you can't do on your own, if you were able to raise sufficient funds locally? I would like to just go down the line.

Mr. SHANNON. Mr. Ehlers, I think that is a very valid question. And the point has been made, and I certainly agree with it that the primary responsibility for support for the Fire Service should come from the local communities and from the State. But I would also say that—and I think our Needs Assessment Report points to the fact that the first responder community in America today is being asked to respond to threats that we have never experienced before, threats that are really national threats. And I will remind you that on September 11, 2001, I know you remember, that one of the first attacks on America by the terrorists in 2001, the results were felt in the town of Shanksville, Pennsylvania, which is a small community with a volunteer fire department. And so we have to ensure, as a matter of national imperative, that our first responder community is prepared to respond to these eventualities wherever they might occur. And the fact of the matter is, today that won't happen if we rely specifically on the local communities and the States to do this.

So I think this is an urgent national matter. I think we are at a unique time in history, and that—I think that justifies maximum federal support for the ongoing efforts of state and local communities.

Mr. QUILL. For many years, the Fire Service was able to handle anything that was thrown at them. We were somewhat kept in our community. We could handle our structure fires, our motor vehicle accidents. Our community—our world is changing daily: it is enlarging. We have weapons of mass destruction. We have toxic chemicals traveling our throughways, our roads, our railroad systems. The fire departments of today no longer can handle just their community. They are called upon to help other communities. The city that I come from, we are 25 miles west of Syracuse and 45 miles east of Rochester, two larger cities in upstate New York. They were not saying that we would be called immediately to a hazardous condition in either one of these cities, but we have to be prepared if we were. Ithaca is just south of us.

Our cities no longer can handle not only their hazardous conditions or emergencies; they are called upon to help each other out. And I—that is why I feel the Federal Government should become involved. It is a national problem. It is not just tied to our cities.

Mr. CASH. I would very—I am going to give you a little bit of information, which is jurisdiction-specific for my area. I am a small community of 5,800. The township would be about 1,400. Since 1995, my little community has lost 3,900 jobs, which accounts for \$86 million in payroll losses. As you can see from that statistic alone, our little jurisdiction is losing from its tax base daily. And with the onslaught of weapons of mass destruction, hazardous material, and terrorism, my little jurisdiction just simply does not have the funds to fund those type of operations, yet we will be the first ones to respond to those incidents.

Mr. MCNEILL. Yes, sir, Congressman Ehlers, as I mentioned, in my remarks, firefighting and firefighter staffing has always been a local issue, and I believe it always will be. But the Federal Government has a role in protecting our communities. The burden for—of preparing for terrorist attacks is extraordinary, and it is resting squarely on the shoulders of local government. The attacks that we experienced in September of 2001 were attacks against New York City and the Pentagon, but they were more attacks against the Federal Government. They were attacks against the Government of the United States of America. And I think that the Government of the United States of America, the Federal Government, does have some responsibility to help alleviate that burden that is being placed on local governments now. And it is an extraordinary burden, just the preparation, the additional training. And we are running short. The economic downturn is hurting us now, but even without that, many fire departments just don't have the staff to handle the potential of the terrorist attacks that we face. This is not without precedent.

Obviously, it—we have mentioned the COPS Program. But I think—when I was a young firefighter in the City of Denver, the CETA Program, the Comprehensive Employment and Training Act was in progress. That helped hire some firefighters in my city and I know other cities around the country. And some of those people went on to experience great careers in Fire Service and were a great value to their department.

Mr. EHLERS. Two quick comments. First of all, I recognize that if we get into this business, the greatest danger is that it will become the world's greatest pork barrel. And not all of you who really deserve to get it are going to get the money, because there are going to be people with more political clout who bring it to their States. Secondly, if you—basing your justification on fighting terrorism, will you be satisfied 10 years from now when we declare terrorism no longer a threat and the Federal Government withdraws, or do you think the Federal Government will withdraw at that point?

My time is expired, so you——

Chairman BOEHLERT. It is expired, and you are getting into the "Never-Never-Wishful-Thinking Land". I mean——

Mr. EHLERS. Well, I——

Chairman BOEHLERT [continuing]. Terrorism is here forevermore.

Mr. EHLERS. It is something we have to face, Mr. Chairman——

Chairman BOEHLERT. Yeah.

Mr. EHLERS [continuing]. And I am not asking for answers, because my time is expired, but——

Chairman BOEHLERT. Well, just a couple of observations, and I feel compelled to inject a few right now. First of all, I want to stress that what we are proposing under the SAFER Act will not supplant but will supplement what local governments are doing. And secondly, as Chief Quill pointed out so well, the world has changed rather dramatically. I am convinced that Chief Quill and his people in Auburn, New York can take care of Auburn's problems very ably in a professional way as they have been doing year after year. But it is a changed world, with hazardous materials coming and going, with the threat of terrorism and all of that sort of thing. And so—and Chief points out, they are strategically located between Rochester and Syracuse and Ithaca, so a lot of things that potentially are on a drawing board for Auburn to deal with have nothing to do with Auburn, New York, but Auburn, New York has a lot to do with them.

And let me stress to you that one of the reasons I wanted to get the witnesses on record is that we intend to have the SAFER Program run like the FIRE Grant Program, which has avoided the "pork barrel" label, which has avoided the temptation to have some political muscle flexed and have the dollars flow in the direction of the holder of the political muscle. This is a program of, by, and for the firefighters. And we are going to continue it that way. But thank you very much for your observations, Dr. Ehlers.

Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman. A couple of quick questions for Mr. McNeill.

Mr. McNeill, you mentioned—or you said in your testimony that 343 firefighters had died in the collapse of the World Trade Center. I understand that about 60 of those were off-duty, who saw what was going on, and simply went to the World Trade Center to see if they could help. Is that correct?

Mr. MCNEILL. That is my understanding as well.

Mr. MILLER. Is there any doubt in your mind that anywhere in the United States, either professional or volunteer firefighters would have reacted the same way?

Mr. MCNEILL. There is no doubt in my mind, sir.

Mr. MILLER. I understand that in a lot of parts of the United States, specifically New York City, with the heightened terror alerts, many firefighters have had to put in very long hours, many, many hours of overtime, 60, 70, 80 hours a week. Is that right?

Mr. MCNEILL. I don't have firsthand knowledge of that, but I wouldn't be surprised if that were the case. It is my understanding that that happened.

Mr. MILLER. Okay. One prominent Senate Member suggested that firefighters, as an act of patriotism, should forego overtime pay and there was—the extended hours they are putting. First of all, do you think firefighters need to do anything to prove their patriotism?

Mr. MCNEILL. No, sir; I do not.

Mr. MILLER. What is your opinion of that suggestion?

Mr. MCNEILL. Of working back to your employer on a voluntary basis?

Mr. MILLER. Without overtime. Foregoing overtime.

Mr. MCNEILL. My opinion of that, sir, it is in violation of the federal law.

Mr. MILLER. Okay. Beyond a legal response to it, do you have any sense whether that is something that firefighters really need to do to prove their patriotism?

Mr. MCNEILL. No, sir; I do not.

Mr. MILLER. Okay. Mr. Cash, I think the testimony here today has been that a lot of the growth of fire departments has been in—has been professionals, rather than volunteers. Do you see North Carolina's fire departments moving more toward mixed fire departments?

Mr. CASH. Yes, I do. That is a trend in North Carolina's role as well as across the Nation. For example, a lot of departments in my county are now beginning to hire one daytime firefighter to be responsible for administration, taking care of the apparatus, and doing report routings, plus to help respond that piece of equipment to the scene and be assured that that piece of equipment arrives on the scene quickly and efficiently.

Mr. MILLER. Okay. How does this legislation effect that transition to mixed departments?

Mr. CASH. We think it would enhance and augment this program, especially if it is run through, like the Chairman has mentioned on several occasions, through the same type of procedure as the FIRE Act, which would assure some equality across the Nation from volunteers to career departments.

Mr. MILLER. Okay. And just one more question, Mr. Cash. The 60 New York firefighters who were off-duty and went to the fire—to the World Trade Center when they saw what was happening and simply went to help, do you have any doubt that firefighters, professional or volunteer, would have responded the same way anywhere in the United States?

Mr. CASH. It is our calling, Congressman. And we are going to go wherever help is needed.

Mr. MILLER. Thank you, Mr. Chairman.

Chairman BOEHLERT. Thank you very much. Distinguished Vice Chairman of the Full Committee, Mr. Gutknecht.

Mr. GUTKNECHT. Mr. Chairman, all of the questions that I was going to ask have already been asked, so I will yield my time to someone else.

Chairman BOEHLERT. Well, next in line is Mr. Bonner.

Mr. BONNER. Thank you, Mr. Chairman. I would just like to ask Chief Cash a question, since he is from the South, and he is from a town that is similar to some of the communities that I represent in South Alabama.

SAFER would provide funds to hire additional career firefighters, which are badly needed in my District in a town like Mobile, which is the largest metropolitan center. But in some of the smaller communities, such as the one that you come from, do you believe this legislation would provide additional assistance to the rural volunteer communities, and if so, what would this legislation do, in your view, to retain volunteer firefighters once they were recruited?

Mr. CASH. We think it is critical that the legislation include the package or the conditions about recruitment and retention. That is a problem all across America, not only in North Carolina, but I am

sure it is in Alabama. And the bill, if tracked similar to the FIRE Act that the Chairman has referred to and as I have referred to a couple times, if it would follow that process, we feel like it would be equitable across the board. And it would benefit the smaller rural fire departments in Alabama as well.

Mr. BONNER. Thank you. Thank you, Mr. Chairman.

Chairman BOEHLERT. Anything else?

Mr. Davis.

Mr. DAVIS. I, too, agree most of the questions that need to be asked have probably already been asked, but I want to compliment those who are full-time as well as volunteer firefighters in our State. I live in Tennessee, and I live in a small community. And my fire department is about eight miles from my home. It is a volunteer fire department with no paid professionals. And most of the 14 fire departments in my county are volunteer fire departments. I served once as Mayor of a small town called Byrdstown. It is the smallest county in Tennessee. We had a couple of fires downtown, and the volunteer fire department, no paid professionals at that City Hall at that time in the late '70's. We, as a result of those fires, devastating fires to a restaurant and some of the business people there in town, actually started training young individuals, who became part of a youth fire department. One of those individuals, at the age of 18, was driving a truck one night that—a tanker that overturned and lost his life. So the volunteers in our organizations across this Nation, and certainly in the small rural areas that I represent, play a major part in fire protection. And do you feel that the dollars—the funding that is being provided provides adequate training to where—that our volunteer fire departments, as well as professional fire departments, will receive adequate training and this funding will help with that? Mr. Cash.

Mr. CASH. I am sorry. Yes, we feel like it would. But the FIRE Act Grant, which you passed several years ago, which is now in place, provided for training for fire departments to be able to apply for that grant money and utilize those monies for training functions.

Mr. DAVIS. Thank you, Mr. Chairman. I yield back the rest of my time.

Mr. SMITH OF MICHIGAN [presiding]. Mr. Udall.

Mr. UDALL. Thank you, Mr. Chairman. I want to also extend my thanks to the Panel and—for your testimony today. It has been very helpful to all of us on the Committee. I wanted to also particularly thank Mike for making the long trip out from Denver.

And I want to start with, Mike, you. You mentioned in your testimony the reductions in Denver, per se. And I was curious if you are seeing similar kinds of reductions around the Colorado area and the other areas that you oversee in your—with your responsibilities.

Mr. MCNEILL. There are similar reductions, Congressman. I think, at this point, most of them, if not all of them, are caused by the economic downturn. We have seen reductions of staff over the last year in Portland, Oregon, Gresham, Oregon. We have seen it—we see it coming in Boulder, Colorado in your District, which is a—they are going to lose 75—or 25 percent of their firefighters up there at the end of the month if something isn't done. So it is

not—excuse me, it is not something that is confined to my department. It is, indeed, a nationwide problem.

Mr. UDALL. On the heels of your response, if I could throw a question out to the entire Panel and ask each one of you to comment briefly. As we have heard today, some people object to the idea of federal help to the States and cities, because they view the States' current budget problems as being caused by overspending in the past. Do you think that the staffing cuts that you have all described today were caused by bad decisions in the past or do you see other reasons at work here?

Mr. MCNEILL. I see other things at work here. Maybe the decisions could have been better in the past, but I think, by and large, the people that have been elected to run the cities and towns and the fire districts in this country are doing the best job they can. They have to spread a finite number of dollars across a number of services. To prioritize one service before or ahead of another, to prioritize public safety in front of social services is a tough thing for some people to do, but that is what is happening right now.

Mr. UDALL. Um-hum.

Mr. MCNEILL. That is—and that is part of the problem. I think the problem in Boulder, Colorado was caused by a reluctance of the electorate there to re-up on a sales tax.

Mr. UDALL. Right.

Mr. MCNEILL. And they decided not to do that. So there was 25 percent of their budget gone. So they are going to lose 25 percent of their force. Tough decisions have been made, and they will have to be made. But I don't think the decisions in the past have been poor.

Mr. UDALL. Um-hum.

Mr. MCNEILL. I don't think they have been ill informed. I think they have been made with the best interest of the people of the community at heart.

Mr. UDALL. So you would place a lot of the reason for this situation on the downturn in sales tax revenues and just the economy that is languishing right now?

Mr. MCNEILL. That and the fact that there is an additional burden placed on the Fire Service because of the terrorist alerts.

Mr. UDALL. Exactly. The vector is going two different directions. Yeah, as you mentioned, Mike, in your testimony, \$1 billion a year, although a very significant amount of money in the overall context of the request for homeland security, and given the front line responsibility of the firefighting community, it would make—it is a—not a minimal amount. But it is an amount that would seem to be able to be fit into those budget allocations.

Mr. MCNEILL. We would certainly hope for at least that, and in the future, maybe more—

Mr. UDALL. Yeah.

Mr. MCNEILL [continuing]. Depending on how things progress in the future.

Mr. UDALL. Yeah.

Mr. MCNEILL. But given the overall importance and the impact that the funds would have on the security of the communities in the United States, I don't think that is—you know, I think that is a good starting point. I don't think that is—

Mr. UDALL. Yeah.

Mr. MCNEILL [continuing]. An ending point.

Mr. UDALL. Would anybody else in the Panel like to respond to that question? Chief.

Mr. CASH. I would like to make a statement concerning that, and I agree with Mr. McNeill. Mostly in my community, the emphasis would be on the downturn in the economy as well as the job loss and the shrinking tax base.

Mr. UDALL. Um-hum. Chief Quill.

Mr. QUILL. I would have to agree with both other gentlemen. The economic downturn, hindsight is 20/20 looking back at some decisions that were made. If we had a second chance, I think other decisions would be made. There is just so much—there is so much money in the pot, and it has to go many different directions, so I would have to agree with them.

Mr. UDALL. Congressman, Attorney General, what else? Mr. President.

Mr. SHANNON. I really think the principle problem that this legislation is seeking to attack is the increased demand that has been put on the fire departments. I can't tell you how many times since September 11, 2001 I have been with Fire Service personnel from around the country, big communities and small, career and volunteer fire departments, where their beepers go off and they are being called to deal with some planning effort for homeland security. And they are putting an enormous amount of time and effort and resource into this. I mean, there is an economic downturn, but even without the economic downturn, we have got to face the fact that we are asking these fire departments to do a lot more than they have ever had to do before. And not only are we asking them to do it, we are saying it is an urgent national priority—

Mr. UDALL. Yeah.

Mr. SHANNON [continuing]. To do it. And that is what this legislation is all about: giving them at least some of the resources necessary to do the job we have told them the country needs them to do.

Mr. UDALL. Thank you for your testimony. Thank you, Mr. Chairman.

Chairman BOEHLERT. Mr. Smith.

Mr. SMITH OF MICHIGAN. Thank you, Mr. Chairman.

Mr. Cash, in your testimony, you indicated that SAFER might be improved by doing something for volunteers. Help me explore some of the greatest needs for volunteers in terms of retention. For the start of all, what would—give me your opinion on what is the greater problem right now: getting volunteers in or retaining them?

Mr. CASH. Congressman, I think it is both. We have a problem with recruitment, and I think an answer to that would be at the State level and especially at the National level, a recruiting promotional type of event to take place. Monies be set aside to do a National or State level recruiting program. And on the retention side, we have offered several suggestions such as educational reimbursements for firefighters, special housing programs for firefighters, tax breaks for firefighters. There are all kinds of concepts and ideas that we have kicked around.

Mr. SMITH OF MICHIGAN. Now in terms of recruitment, what would be some of the major things? And I guess I don't even know whether it is somewhat universal with volunteer fire departments and combination departments that volunteers don't get—sometimes don't get reimbursed for lost wages or sometimes, in our area, in Michigan, they take vacation time to go to training. Is that somewhat universal or—

Mr. CASH. It is in my State, and in the Southeast United States. The firefighters are faced with—unable to leave their work, and maybe some type of program that would allow employers to be reimbursed when those firefighting employees are away from their normal job doing training for the local volunteer fire department.

Mr. SMITH OF MICHIGAN. And so do—does that mean that you would suggest that we include that kind of an option in with the funding that we might offer for volunteers as the Defense Authorization Bill goes through that they might have some allowance to use some of that money for reimbursements while they are going to training, or you suggested education in your testimony, education credits, and I—my impression was that was for higher education?

Mr. CASH. That is correct.

Mr. SMITH OF MICHIGAN. What are some of the other thoughts of any of the Panel that we might have to entice volunteers? And of course, nationally, we put more and more requirements on those volunteers and more and more training requirements to the point where in the recruitment effort, if some of those are modified in some ways so that there is not so much individual sacrifice on families. So Mr. Shannon, maybe go down the line. How do we strengthen the effort for volunteers while we are strengthening the employment for full-time?

Mr. SHANNON. I think I would yield to what the Chief has had to say. I mean, we feel very, very strongly that this recruitment issue has to be addressed, both among career and volunteer fire departments. And I think this bill goes a long way toward doing that. I think that the—you know, it is primarily, at this point, a question of the necessary—you know, the necessary resources. And if we can make those resources available and make sure the people are adequately trained and that they are going to be able to do the job in a safe fashion, I think that the volunteer spirit in this country is such that we will have adequate numbers in our volunteer fire ranks.

Mr. SMITH OF MICHIGAN. Mr. Quill, any thoughts?

Mr. QUILL. Really no thoughts. I am not an expert in the volunteer Fire Service other than they do a terrific job, and we are very proud of them. Chief Cash is a—and Mr. Shannon have both answered the question. I feel—I would have to tend to agree with them.

Mr. SMITH OF MICHIGAN. Mr. McNeill.

Mr. MCNEILL. I don't think I have much to add to what has already been said. I know that finding inherently qualified people to serve in the Nation's Fire Service is a difficult job in the career service on that side of it. I know it must be very difficult on the volunteer side. I applaud what the volunteer service does, and I

think that Chief Cash is on the money there as far as what should be done and what can be done.

Mr. SMITH OF MICHIGAN. I mean, just such a huge—if we lose our volunteers—we are looking at 80 percent of our firefighters now being volunteers. If we lose those volunteers, a tremendous cost to local governments if they can no longer have volunteers to help cover their fire stations. So somehow, we have got to deal with it. And of course, in some—many communities across America, instead of that hometown where you have got the cobbler and the barber shop and local stores, now people are working outside of those communities. So it is more and more difficult to get somebody right in town that is close to the station to hop on and go fight a fire. So as—we will explore these challenges, but I hope you all agree that, along with SAFER, we need to encourage the volunteer effort.

Thank you, Mr. Chairman.

Chairman BOEHLERT. Sheila Jackson Lee, please.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and thank you for holding this hearing. None of us in this room have ever doubted the importance of fire personnel in our respective communities. But not wishing to be redundant, but let me say that certainly 9/11 has heightened our ability to pronounce the question or be able to say “thank you” and to be able to say how important first responders have always been in our community.

I recall right after 9/11, I went home to my community and held a meeting, particularly with firefighters from around the county. And they were at a heightened alert, because at that time, everyone was calling on them. Shortly after 9/11, of course, came the anthrax scare. And in my community in Houston, they must have had about 100 calls. Thank goodness, probably not one was that particular element: baby powder and other type substances. But it did not diminish the responsibility of firefighters to go out to the scene to calm the individuals, to, if you will, cordon off the scene and to provide the insight and the direction that was necessary.

I think this legislation is very important, and I have a number of questions and concerns, and I look forward, as a supporter of this legislation, to seeing it move, if you will, as quickly as it possibly can. But I—Mr. Shannon, I would be interested in hearing what your thoughts are on the modification that is now in the amendment that the Senator has offered where the monies go directly, as I understand it. I am not sure if there has been a consensus to offer an additional amendment, but it goes directly to State and local governments and not to the agency that we had original drafted it.

I would also be interested, if you would, tell me about the importance of overtime, also, in stretching, if you will, overworked firefighters. I know their time frame is certain days on and certain days off, but what is happening with overtime in our communities in terms of extending the time that firefighters are serving?

Mr. SHANNON. I don't have any data on overtime use, Ms. Lee. Sometimes, of course, in the fire services, we know, and I think New York, after September 11, was a very good example of that, overtime in the Fire Service is inevitable. And——

Ms. JACKSON LEE. And very important?

Mr. SHANNON. I think——

Ms. JACKSON LEE. Compensated overtime?

Mr. SHANNON. I think that it is extremely important. And I think it is extremely important that we treat all of our firefighters well. I think that one of the issues that has to do with overtime is the fact that so many fire departments have had to be short-staffed now. That is going to increase overtime costs and put more firefighters' lives at risk, and that is one of the problems that this legislation seeks to address.

The Chairman asked earlier on the question of the mechanism by which the funding gets to the fire departments. First of all, I want to say that I think it is vital that it—that the money start to flow. However this legislation can be resolved in conference, I think it is vital that this money begin to flow. And I expressed my position earlier that the more direct route to the fire departments is the better route. And I think that the FIRE Grant Program has proven to be very successful in that regard. And so I would say that direct funding to the fire departments is probably the best way to ensure that the help is going to get where we need it as quickly as we need it.

Ms. JACKSON LEE. That is very interesting. That is insightful to those of us who are looking at the legislation. Let me pose two questions, and then if all of you would take a stab. I think one of them is directly toward Mr. Quill. And let me say that I am a big supporter. I come from a large city, fourth largest city in the Nation, and we do have fire staffing issues that I would like to see remedied by this particular funding. And I understand that this includes rural and urban centers, which is very important, and also helps volunteer operations as well. My interest is that, we understand, from Mr. Shannon's testimony, that 233,000 firefighters, 21 percent of the total, lack formal training in structural firefighting. More than 10,000 fire pump trucks in service are more than 30 years old. And 57,000 firefighters have no personal protective clothing. With respect to Mr. Quill, we understand that you had, in the '70's, as you have indicated, '96 you are down to 17, that your personal costs have cost 92 percent. I want to be sure that we help those who will have to have a matching amount. If you can share with me how you believe that you will be able to meet the matching.

And then with respect to my other questions, from Mr. Shannon's testimony, others may want to answer it, are we doing the right thing when we need formal training? Are we getting these additional firefighters? What are we doing to improve safety on the other aspects with the old trucks, not enough training, etcetera? How are we balancing those needs?

Mr. QUILL. Could I ask you for your question again?

Ms. JACKSON LEE. Yeah, Mr. Quill. You can just go to the one about the smaller entities trying to be able to have their matching monies.

Mr. QUILL. That would have to—when the individual municipalities apply for this grant, they will have to be sure that they are capable, ready, willing, and able to meet the matching funds, so that they can comply with it. If the City of Auburn were to apply for these funds, it would most certainly have to talk with the City

Government to be sure that they are going to meet the matching funds. If we can't do that, there is no use going through all the paperwork and possibly holding off someone else's grant—be receiving the funding. And I am not sure I am asking you—answering your question.

Chairman BOEHLERT. Chief, then wouldn't it be very similar to the COPS Program, Ms. Jackson Lee—

Ms. JACKSON LEE. Right.

Chairman BOEHLERT [continuing]. As you know, with the local requirement? I understand the question, and it is a very good question.

Ms. JACKSON LEE. Yeah, I just want—and I—and you have answered it. I guess what you are saying is that the local community needs to make a commitment, and you would see the desire to make that commitment on that match?

Mr. QUILL. That is correct.

Ms. JACKSON LEE. Mr. Chairman, could you indulge me so Mr. Shannon could just answer the question about balancing these other needs with these—the hiring dollars that we are going to be giving you?

Mr. SHANNON. I think that that is also a very important point that as—the hiring dollars are crucial, because there is a gap now in personnel in the Fire Service. But we shouldn't believe that once that problem is solved that the big problem is solved, because as the Needs Assessment that you referred to, Ms. Jackson Lee, points out that there are problems with training, there are problems with equipment, with protective clothing. These are all going to take dollars as well. And hopefully, with an upturn in the economy, more of those dollars are going to be able to come from local governments and from States, but even after the personnel issue is resolved, there is going to be a need to address these other concerns as well.

Chairman BOEHLERT. Thank you very much.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. Thank you.

Chairman BOEHLERT. Dr. Burgess.

Dr. BURGESS. Yes. Thank you, Mr. Chairman. I am going to ask a question that may be so basic that you wonder why I ask it, but help me understand the concept. We have got the FIRE Grants that FEMA is administering and I appreciate those. I have actually been a participant in handing some of those out in my district. But why have those FIRE Grants that FEMA is administering not been able to free up the funding for local staffing? And are we going to further that problem with what we are talking about today?

Mr. QUILL. The cost of the equipment for the Fire Service, once is—once it is found out that the equipment will be used for Fire Service—for firefighting, the price just becomes astronomical. It is just unbelievable. The Fire Service is so far behind the times in many areas, with their tools and equipment, that they—as it was said earlier here today, there are many departments without personnel protective equipment, the basic coat, helmet, boots that firefighters need to wear. We have to catch up to that. We have to bring everyone up to somewhat of a level playing field with the money that is put aside in the FIRE Grants for this equipment. It

seems like we are starting to get near that point. We are at a basic level. Now the staffing is very crucial, but first of all, we have to have the tools to work with.

Dr. BURGESS. Do you feel that there is a diversion of local funds because of the FEMA Grant coming in and purchasing the basic technology and the basic equipment?

Mr. QUILL. I don't believe I could answer that properly at this time.

Dr. BURGESS. I guess the question is are we hurting ourselves by doing this?

Mr. SHANNON. Mr. Burgess, if I can, and I am sorry I don't have the report with me, but I will get it to you after this hearing, if that is all right. But if you look at the needs that—and the Needs Assessment, the FEMA Report that NFPA was involved with, the—I don't think there is any fear at all, if that is the concern, that federal money will give an opportunity for states and local government to pull back on the supports for the fire—support for the fire department. The needs are enormous for protective clothing, for training, for new equipment for past devices. Mr. Boehlert, oh, it has been—I think it has been submitted. And if you look at that, you will see that there is—I don't think there is any fear or should be any concern that this money is going to supplant local funding for the fire departments. The needs far outstrip what will be available, even with this legislation.

Chairman BOEHLERT. Dr. Burgess, let me point out that we have all been given a copy of the Needs Assessment, and I would suggest you might give it a glance. It is very valuable reading.

Any further questions, Dr. Burgess?

Dr. BURGESS. [No response]

Chairman BOEHLERT. Mr. Bishop.

Mr. BISHOP. Thank you. Actually, my colleague here from Texas asked several of the questions that I already had there, as well. If you would just be kind enough to reassure me in some way before we start moving forward on this particular bill. The first one is there have been programs in the past, like COPS, where the federal funding has gone in there, and as soon as the grants have been taken away at some time in the future, the money to keep those men on staff has withdrawn as well. Is there any kind of guarantee that we have that the same thing will not happen in this particular area?

And the second reassurance I would desperately need at some time, is sometimes we, in the Federal Government, have had the tendency of doing programs that were high on symbolism but low on reality, especially several years ago we decided to come up with a whole new program to put new teachers into the classrooms. And the amount of money and the amount of teachers would equal, like, $\frac{1}{4}$ of a teacher per school district. Can you guarantee me, reassure me, that if we actually move forward in this program it is going to make a difference in all departments, or is this going to be—have to be a shotgun approach, a scatter gun approach? Are you going to have to zero-in in some particular way? What kind of assurances are we going to have that we are actually going to make a difference down on the local levels?

Mr. SHANNON. I—Mr. Bishop, if I might say, I certainly understand your question. I used to have the same concerns about funding programs when I was a Member of the House of Representatives and want to make sure that the money isn't just, you know, being sent scatter-shot and not being used appropriately. All I can tell you in response to your question is that, you know, I personally, and our organization, deals with fire departments all across the country. These are very real needs, and they are immediate needs. And they will save lives. Additional dollars put into staffing of fire departments will have an immediate payback in lives. And there was some specific reference to fires that have taken place where it is pretty clearly documented that the staffing gaps in particular communities resulted in the loss of firefighter lives and in civilian lives. So I don't think that there is—there should be any concern that this money isn't going to be useful and isn't going to be very useful to communities that meet—that have real needs. And there is going to need to be more of a—support come from the local level, no question about that, and more support coming from the state level. But I think that the Federal Government assistance, at this point, can really help jump-start that effort.

Mr. BISHOP. Are you focusing specifically an effort to try and help all departments everywhere or are you going to try and focus the money to make a maximum impact in certain areas?

Mr. SHANNON. It is going to be a grant program, and communities are going to apply for the money, and they are going to have to justify that.

Mr. BISHOP. But the goal is to focus the money?

Mr. SHANNON. Yes.

Mr. BISHOP. Thank you so much. Thank you, Mr. Chairman.

Chairman BOEHLERT. Thank you very much, Mr. Bishop, and thank you, all of you, but particularly our two Chiefs, because every single day, you and your teams are on the firing line protecting our homes, our communities, and our nation. And we deeply appreciate it. We want to commit to you that this committee, Republican and Democrat alike, is determined to follow through to get the resources you need to do the job we expect you to do. And we are not going to let up, and we are going to be unrelenting. We have got the federal grant program going, and it is working exceptionally well, no pork barrel, no political intrigue, just of, by, and for the fire services. And that is the way it should be. That is going to continue. And we are going to try our darnedest to get you some relief on the staffing problem. But it is not going to be a blank check from Washington, as you recognize. It is going to be a shared responsibility, but we are going to do—try to do our share.

So I want to thank all of you for being resources. Congressman Shannon, it is always good to see you again back home. And Mr. McNeill, thank you and your team for what you are doing so well.

This hearing is now adjourned.

[Whereupon, at 12 p.m., the Committee proceeded to other business.]

Appendix 1:

ADDITIONAL MATERIAL FOR THE RECORD

STATEMENT CONCERNING H.R. 1118
SUBMITTED ON BEHALF OF THE "TWO-HATTERS COALITION"

*By Adele L. Abrams, Esq., Law Office of Adele L. Abrams, P.C., 4740 Corridor Place,
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CHAIRMAN BOEHLERT AND MEMBERS OF THE COMMITTEE:

This statement is being submitted for the record following the June 4, 2003, hearing on H.R. 1118, the "Staffing for Adequate Fire and Emergency Response (SAFER) Act of 2003" on behalf of the "Two-Hatters Coalition" ("THC" or "Coalition"). The THC is a group of men and women who are paid union firefighters in their full-time jobs, and who volunteer as unpaid firefighters in their local communities during their days off from work. The members of the Coalition provide critical emergency services at a time when local fire departments and paramedic teams are vastly underfunded. Therefore, we applaud this committee for investigating this issue and considering the aforementioned legislation.

As Congress looks for solutions to the crisis in emergency response, we wish to point out current developments that serve only to exacerbate this problem. In certain areas including, but not limited to, the Washington, DC metropolitan area, these "Two-Hatters" are being brought up on charges by their unions because of their unpaid volunteer activities at local volunteer fire departments ("VFDs").

These Two-Hatters are facing trial board charges in Washington, DC, Arlington, VA, Montgomery County, MD, and other jurisdictions. These Two-Hatters face expulsion from the union unless they agree to cease their volunteer firefighter activities. The International Association of Firefighters, and some of its locals, has deemed volunteer fire departments to be "rival" labor organizations. As the IAFF noted, in correspondence to its members on this issue:

The IAFF Constitution makes it clear that IAFF members can be subject to charges and internal discipline if they serve as volunteers. . . .all too often, jurisdictions rely upon the services of volunteers to undermine the efforts of our own members to obtain the resources necessary to support a properly staffed and adequately equipped full time career fire department. As a union representing the interests of paid professional fire fighters, we can and must promote the interests of our members by strongly advocating career fire departments across North America.¹

There are economic consequences for the Two-Hatters, regardless of whether they opt to "walk the plank" by leaving the union or resigning as volunteer firefighters. But, more critically, there are public safety consequences arising from this attempt to deplete the ranks of volunteer fire departments in order to protect union interests.

Local communities depend heavily on volunteer firefighters, and can ill-afford to create paid firefighter positions to replace those Two-Hatters who may be forced to withdraw from participation in these VFDs. Some of the Two-Hatters now being brought before trial boards are the same individuals who were involved in rescue operations at the Pentagon and who, as volunteers, provide emergency support to departments in Prince George's County, MD,² that serve as backup for emergencies on Capitol Hill and the federal agencies in Washington. Following the September 11, 2001, events at the World Trade Center, hundreds of volunteer firefighters and volunteer fire chiefs worked alongside of and supported career firefighters in New York City. It is incredible that these same individuals are now being viewed as "the enemy" by their own unions simply because of their volunteer activities.

Today, nearly 50 percent of some VFDs' firefighters are "Two-Hatters" and in most cases, these volunteers serve the VFDs during key evening and weekend shifts, while paid firefighters work a more regular weekday schedule. These volunteers are extremely skilled, well-trained and physically fit.³ How quickly such VFDs could find and train comparable replacement volunteers who are not career fire-

¹ September 20, 2002, letter to IAFF Affiliate Presidents from Harold A. Schaitberger IAFF General President.

² About 200 volunteer firefighters in Prince George's County, MD, are "Two-Hatters" and, therefore, the ranks would be depleted by this number of individuals if the firefighter union is successful in forcing out these individuals under threat of financial sanctions and/or union expulsion.

³ The resume of John Gorman, one of the "Two-Hatters" who is current faced with union trial board charges because of his volunteer firefighter activities, is attached as an illustration of the qualifications that will be lost to our communities if such discrimination against Two-Hatters is permitted to continue. See Appendix A.

fighters and who are willing and available to work these less-desirable shifts (much less find the revenue to fund such positions) is unknown. But, given our current state of alert, it is not a risk worth taking for our communities. A selection of recent news reports on this issue is attached to this statement and we ask that these be included in the Congressional record concerning H.R. 1118.

Action to prohibit continuation of volunteer services by Two-Hatters is also occurring elsewhere in the United States because the International Association of Firefighters is condoning such action. The rationale is that if these “two hatters” are forced to stop volunteering, more “paid” positions will be created by the counties and municipalities. To fund that, there will be an increase in taxes to pay for the newly hired firemen and emergency medical staff. But the harsh truth is that there is no money to create new paid positions. Thus, the end result will be a reduction in force at volunteer departments and a diminution of public safety and ability to respond to emergencies.

As was noted in a recent Bowie (MD) *Blade* editorial: “It is beyond comprehension why the International Association of Fire Fighters would severely penalize a member of its union for unselfishly volunteering his services, during his off-work hours from a fire department in Virginia, to the Bowie Volunteer Fire Department. This draconian action by the national firefighters union also lays the groundwork for substantial damage to local firefighter organizations.”⁴

The International Association of Fire Chiefs has estimated that two-thirds of American fire departments do not meet minimum staffing requirements. We agree. The IAFC has noted that 75,000 new firefighters are needed to bring these departments into compliance. We agree. But Congress must recognize that municipal governments simply do not have the resources to fund 75,000 new paid firefighter positions, even with the additional funding anticipated in this legislation. We respectfully suggest that the United States needs more, not fewer, volunteers to maximize our homeland security efforts. The discrimination in employment against individuals simply because they elect to answer President Bush’s call to serve their country as volunteers must end.

The IAFF’s war on volunteer firefighters also impermissibly interferes with these union members’ First Amendment rights of Freedom of Association and should be deemed unconstitutional. Whatever their full-time job, no one should be adversely treated on-the-job or face financial penalties because they choose to volunteer their services in protection of their community.

As a solution to this issue, and in support of strengthening emergency response teams, we propose that the following underscored language be added to Section 34(a)(1) of 15 U.S.C. 2201 et seq.,⁵ to ensure that persons who volunteer as emergency service providers will not be subject to adverse employment action as a consequence of their volunteer activities.

The Administrator shall make grants directly to career, volunteer, and combination fire departments—provided that such departments and/or their unions do not discriminate in employment or take adverse action against an individual because of the individual’s activities as a volunteer firefighter—in consultation with the chief executive of the State in which the applicant is located, for the purpose of increasing the number of firefighters to help communities meet industry minimum standards to provide adequate protection from fire and fire-related hazards, including acts of terrorism.

We believe that adoption of this language will help to effectuate the legislative goal of increasing the number of firefighters to help communities meet industry minimum standards and will advance the cause of providing adequate protection from fire and fire-related hazards, including acts of terrorism. More information can be found on our group’s website, <http://www.twohatters.org/>. Thank you for your consideration of our concerns.

⁴Bowie *Blade* editorial, March 27, 2003.

⁵As amended by Section 2 of H.R. 1118, page 2, lines 2–9.

Appendix A

John J. Gorman

PROFESSIONAL CREDENTIALS**Management**

- 2003 Fire Officer III Certification, Maryland Fire & Rescue Institute
- 2002 NFPA 1403 Live Burn Training Certification
- 2002 Incident Safety Officer Certification, Loudon County FD
- 2002 Loudon County FD FTA Instructor Certification
- 1999 Health and Safety Officer, Maryland Fire & Rescue Institute
- 1998 Fire Officer II Certification, Maryland Fire & Rescue Institute
- 1997 Fire Officer II Training Certification, Prince George's County FD
- 1997 Incident Safety Officer Certification, Prince George's County FD
- 1997 Instructor Level I & II Training, Maryland Fire & Rescue Institute
- 1994 Fire Officer I Training Certification, Prince George's County FD
- 1991 Instructional Techniques for Company Officers, National Fire Academy
- 1988 Incident Command System Certification, Prince George's County FD

Medical

- 2000 Arlington County Fire/EMS Dept. Paramedic Certification
- 1997 Virginia EMT-P Certification
- 1996 Prince George's County Fire Dept. Paramedic Certification
- 1993 Charles County MICU Paramedic Certification
- 1993 Maryland EMT-P Certification
- 1993 NREMT-P Certification
- 1992 Anne Arundel County Fire Dept. CRT Certification
- 1992 Certified Infectious Control Instructor, Prince George's County FD
- 1992 Maryland CRT Certification
- 1991 NREMT-B Certification
- 1991 Maryland EMT-A Certification
- 1990 Maryland First Responder Certification
- Current AHA - BLS Certification
- Current AHA - ACLS Certification
- Current BTLS Certification

Fire

- 2002 NFPA 1403 Live Fire Training, Loudon Fire & Rescue
- 2002 Trench Safety & Rescue, Maryland Fire & Rescue Institute
- 2002 Confined Space Entry & Rescue, Maryland Fire & Rescue Institute
- 2001 Rescue Technician Revised, Maryland Fire & Rescue Institute
- 1999 Firefighter Level II, Virginia Department of Fire Programs
- 1999 Hazardous Material Operation, Virginia Department of Fire Programs
- 1999 Firefighter Level I, Virginia Department of Fire Programs
- 1999 Hazardous Material Awareness, Virginia Department of Fire Programs
- 1999 EVOC, Virginia Department of Fire Programs
- 1999 HTR Rope Rescue I, Virginia Department of Fire Programs
- 1999 HTR Vehicle Rescue, Virginia Department of Fire Programs
- 1998 Aerial Apparatus Operator Certification, Maryland Fire & Rescue Institute

	2001	Rescue Technician Revised, Maryland Fire & Rescue Institute
	1999	Firefighter Level II, Virginia Department of Fire Programs
	1999	Hazardous Material Operation, Virginia Department of Fire Programs
	1999	Firefighter Level I, Virginia Department of Fire Programs
	1999	Hazardous Material Awareness, Virginia Department of Fire Programs
	1999	EVOC, Virginia Department of Fire Programs
	1999	HTR Rope Rescue I, Virginia Department of Fire Programs
	1999	HTR Vehicle Rescue, Virginia Department of Fire Programs
Institute	1998	Aerial Apparatus Operator Certification, Maryland Fire & Rescue
	1991	Hazardous Materials Level II Certification, Anne Arundel County FD
	1991	Firefighter Level II Certification, Prince George's County FD
	1990	Hazardous Materials Level I Certification, Prince George's County FD
		Current Pumps Certification, Maryland Fire & Rescue Institute

EMPLOYMENT

June 22, 1998 Arlington County Fire Department
 To Present 2100 Clarendon Blvd. Suite 400,
 Arlington, Virginia 22201

Duties: Firefighter/EMT- III (01/02 to Present)
 Firefighter/EMT- III Probationary (01/01 to 01/02)
 Firefighter/EMT- III Trainee (06/00 to 01/01)

I am responsible for medical treatment of the residents, workers, and visitors within and surrounding jurisdictions of Arlington County. My crew and I are responsible for staying current with all new standard operating procedures and medical techniques along with maintaining medic unit apparatus and station facilities. We are required to conduct daily drills on firefighting/EMS topics and perform physical training in both strength and cardiovascular areas.

2003	Pen-Based Computer Systems for EMS
	Station Commissary - Co-coordinator-St.2
2002	Field Training of ALS Providers (2 to present date)
	EMS Protocol Committee
2001	Secret Santa Program
2000	Secret Santa Program

Firefighter/EMT- I Probationary (06/99 to 06/00)
 Firefighter/EMT- I Trainee (06/98 to 06/99)

I am responsible for fire suppression and prevention, and medical treatment of the residents, workers, and visitors within and surrounding jurisdictions of Arlington County. My crew and I are responsible for staying current with all new standard operating procedures and medical techniques along with maintaining all apparatus and station facilities. We are required to conduct daily drills on firefighting/EMS topics and perform physical training in both strength and cardiovascular areas.

2000	Read to the Kids Program
1999	Mass Casualty Drills: Metro Subway Fire
	Ft. Myer Building Explosion

MWAA Airplane/Terminal Fire
 Metro Rodeo Competition: 2nd Place
 Read to the Kids Program
 Station Commissary - Co-coordinator-St.10
 Secret Santa Program

1998 Secret Santa Program

May 3, 1993 All American Ambulance & Transport
 To Present 15444 Depot Lane, Upper Marlboro, MD 20772

Duties: ALS Coordinator (4/96 - 6/98)

I was responsible for all paramedics and cardiac rescue technicians (CRT). I oversaw all ALS field and administrative operations, perform monthly Quality Assurance programs and annual evaluations on all paramedics and CRT's, complete monthly statistical reports for MIEMSS, and perform preventive maintenance on all equipment and medic units. I coordinated the Infection Control program, record keeping and class instruction. I attended and represented AAA at quarterly MIEMSS Region 5 council meetings and Northern Virginia EMS council meetings. I developed a proposal and purchasing options for a NICU transport unit. I was also responsible for ALS equipment inventory and purchasing.

Assistant ALS Coordinator (7/94 - 4/96)

In this capacity, I was responsible for orienting new paramedics and cardiac rescue technicians (CRT). After orientation, I functioned as preceptor for the new paramedics and cardiac rescue technicians. I developed a proposal for a fully functional ALS coordinator. The proposal included short and long-range goals and plans for paramedic and cardiac rescue technician education, training, daily operations reports, and performance objectives and measurement. I created an orientation supplement, intern program and operations manual for paramedics and cardiac rescue technicians.

Paramedic (5/93 - Present)

In this position I'm in charge of patient care during transport. This involves monitoring the patient's cardiac and respiratory status, vital signs, IV maintenance, and recognizing and treating any complications or life threatening situations as they arise. I coordinated the Infectious Control program, record keeping and class instruction.

HR 1118 IH

108th CONGRESS

1st Session

H. R. 1118

To establish the SAFER Firefighter Grant Program.

IN THE HOUSE OF REPRESENTATIVES

March 6, 2003

Mr. BOEHLERT (for himself, Mr. PASCARELL, Mr. QUINN, and Mr. GREEN of Texas) introduced the following bill; which was referred to the Committee on Science

A BILL

To establish the SAFER Firefighter Grant Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003'.

SEC. 2. OFFICE OF GRANT MANAGEMENT.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by redesignating the second section 33 and section 34 as sections 35 and 36, respectively, and by inserting after the first section 33 the following new section:

'SEC. 34. GRANT AUTHORITY.

'(a) **AUTHORITY TO MAKE GRANTS-** (1) The Administrator shall make grants directly to career, volunteer, and combination fire departments, in consultation with the chief executive of the State in which the applicant is located, for the purpose of increasing the number of firefighters to help communities meet industry minimum standards to provide adequate protection from fire and fire-related hazards, including acts of terrorism.

'(2)(A) Grants made under paragraph (1) shall be for 4 years and be used for programs to hire new, additional firefighters.

'(B) Grantees are required to commit to retaining for at least 1 year beyond the termination of

their grants those firefighters hired under paragraph (1).

`(3) In awarding grants under this section, the Administrator may give preferential consideration to applications that involve a non-Federal contribution exceeding the minimums under paragraph (5).

`(4) The Administrator may provide technical assistance to States, units of local government, Indian tribal governments, and to other public entities, in furtherance of the purposes of this section.

`(5) The portion of the costs of hiring firefighters provided by a grant under paragraph (1) may not exceed--

 `(A) 90 percent in the first year of the grant;

 `(B) 80 percent in the second year of the grant;

 `(C) 50 percent in the third year of the grant; and

 `(D) 30 percent in the fourth year of the grant.

`(6) The authority under paragraph (1) of this section to make grants for the hiring of additional firefighters shall lapse at the conclusion of 10 years from the date of enactment of this section. Prior to the expiration of this grant authority, the Administrator shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Administrator may have for amendments to this section and related provisions of law.

`(b) APPLICATIONS- (1) No grant may be made under this section unless an application has been submitted to, and approved by, the Administrator.

`(2) An application for a grant under this section shall be submitted in such form, and contain such information, as the Administrator may prescribe.

`(3) At a minimum, each application for a grant under this section shall--

 `(A) explain the applicant's inability to address the need without Federal assistance;

 `(B) explain how the applicant plans to meet the requirements of subsection (a)(2)(B) and (5);

 `(C) specify long-term plans for retaining firefighters following the conclusion of Federal support provided under this section; and

 `(D) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within firefighting.

`(c) LIMITATION ON USE OF FUNDS- (1) Funds made available under this section to fire departments of a State for salaries and benefits to hire new, additional firefighters shall not be

used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

`(2) Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing firefighting functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.

`(3)(A) Total funding provided under this section over 4 years for hiring a firefighter may not exceed \$100,000.

`(B) The \$100,000 cap shall be adjusted annually for inflation beginning in fiscal year 2005.

`(d) PERFORMANCE EVALUATION- The Administrator may require a grant recipient to submit any information the Administrator considers reasonably necessary to evaluate the program.

`(e) REVOCATION OR SUSPENSION OF FUNDING- If the Administrator determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under this section, the Administrator may revoke or suspend funding of that grant, in whole or in part.

`(f) ACCESS TO DOCUMENTS- (1) The Administrator shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this section.

`(2) Paragraph (1) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

`(g) DEFINITIONS- In this section, the term--

`(1) 'firefighter' has the meaning given the term 'employee in fire protection activities' under section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)); and

`(2) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

`(h) AUTHORIZATION OF APPROPRIATIONS-

`There are authorized to be appropriated for the purposes of carrying out this section--

`(1) \$1,000,000,000 for fiscal year 2004;

- `(2) \$1,030,000,000 for fiscal year 2005;
- `(3) \$1,061,000,000 for fiscal year 2006;
- `(4) \$1,093,000,000 for fiscal year 2007;
- `(5) \$1,126,000,000 for fiscal year 2008;
- `(6) \$1,159,000,000 for fiscal year 2009; and
- `(7) \$1,194,000,000 for fiscal year 2010.'