

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



Statement of

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before the

SUBCOMMITTEE ON TECHNOLOGY AND
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U.S. HOUSE OF REPRESENTATIVES

on

REAUTHORIZATION OF THE FIRE GRANT
PROGRAMS

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Thank you Chairman Wu, Ranking Member Smith and distinguished members of the Subcommittee. My name is Kevin O'Connor and I am the Assistant to the General President of the International Association of Fire Fighters (IAFF) for Governmental Affairs and Public Policy. I appreciate the opportunity to appear before you today on behalf of General President Schaitberger and the nearly 300,000 fire fighters and emergency medical personnel in our 3148 affiliates from every congressional district in the nation.

Mr. Chairman, I testify today not only as a representative of the IAFF, but as a former fire fighter who fully understands the critical impact that the Assistance to Firefighters Grant (AFG) program has on the ability of local fire fighters to serve their communities. I spent my entire adult life in the fire service, starting as a volunteer fire fighter and serving for over fifteen years as a professional fire fighter and emergency medical technician in the Baltimore County, Maryland Fire Department, where I worked as a line fire fighter assigned to both engine and ladder companies as well the medic unit. I also served as the Administrative and Fire Ground Aide to the Chief of the Fire Department.

Since AFG's inception, the various fire service organizations, many of whom are represented on this panel today, have worked together to improve the programs and ensure that they are administered effectively so that local fire departments nationwide, in communities of all sizes, may benefit. However, over time we have seen that the programs have not met their original objective. The FIRE and SAFER grant programs were meant to strengthen the ability of local fire departments to protect the public safety and respond to all hazards nationwide. While some communities have used FIRE and SAFER to make important enhancements in local fire protection, restrictions in current law prevent many communities from taking full advantage of the programs, undermining AFG's mission of enhancing the safety of fire fighters and the public nationwide.

Recognizing this problem, the IAFF, working with the International Association of Fire Chiefs, the National Fire Protection Association, the Congressional Fire Services Institute and other prominent fire fighter organizations representing all facets of the fire service – professional and volunteer, labor and management – have together proposed a series of amendments to FIRE and SAFER which we believe will address the significant impediments under the law that prevent many communities from taking full advantage of the programs.

The Need for FIRE and SAFER

The modern fire service is no longer simply responsible for fire fighting. In almost every community in America, our duties encompass a wide variety of emergency services including fire fighting, advanced and basic life support emergency medical services, technical, high-angle and water rescue operations, terrorism and hazardous materials response. Additionally, today more than ever our nation's fire fighters are on the front lines working to protect our nation's homeland security, whether responding to a natural disaster such as Hurricane Katrina, the Midwestern floods, or a terrorist attack like that at

the Murrah Building or the World Trade Center and the Pentagon on 9/11. Fire fighters are expected to risk, and give, our lives and we do so every day without hesitation. Yet, despite the ever-growing duties and risks facing local fire departments, fire fighters are too often expected to perform their duties with outdated equipment, minimal training and insufficient personnel.

Thus, the Assistance to Firefighters Grant program was created and given a unique mission: to protect the health and safety of fire fighters and the public nationwide through the provision of federal funding for staffing, training, equipment and health and wellness programs. AFG, popularly known as the FIRE Grant program, was later expanded to include the Staffing for Adequate Fire and Emergency Response (SAFER) Grant program to provide a mechanism to fulfill the original goal of assuring fire departments had adequate staffing to operate effectively and safely.

By utilizing a peer-review process and awarding funds directly to local fire departments, FIRE and SAFER grants are among the most well-administered grants in the federal government. A recent Office of Management and Budget study recognized FIRE as among the most efficiently-administered grant programs.

Although only \$750 million was available to make awards in 2008, local communities applied for nearly four billion dollars in FIRE and SAFER grants. Furthermore, an assessment of the fire service's needs conducted by the National Fire Protection Association concluded that local fire departments continue to face significant equipment and training needs. And while SAFER grants have enabled local communities to hire approximately 3300 new fire fighters, the U.S. Fire Administration has found that most fire departments are unable to respond to many common emergencies with existing staff, and an estimated two-thirds of all jurisdictions do not currently have enough fire fighters to safely respond to emergencies.

The FIRE and SAFER grant programs are clearly an efficient means by which to improve local baseline capabilities and fulfill the critical and ongoing unmet needs of local departments. Yet, after eight years, it is also clear that the funds are not being used in the most effective manner, and that current statutory limitations are preventing the program from fulfilling its mission of protecting fire fighter and public safety.

Impediments Under Current Law

The restrictions under current law preclude many communities, including many of the most needy communities in the nation, from being able to take full advantage of the FIRE and SAFER grant programs. Under current law, the overwhelming majority of FIRE grants are awarded to fire departments that protect a relatively small percentage of the population. Since 2002, nearly seventy percent of funds have been awarded to rural departments, while only ten percent of funds have been awarded to protect metropolitan areas. Viewed another way, over two and half billion dollars has been awarded to protect twenty percent of the U.S. population, while slightly less than four-hundred million

dollars has gone to benefit departments protecting fifty-eight percent of the population. By all measurements, this is an uneven and ineffective allocation.

The SAFER grant program also contains a number of budgetary restrictions, including a high local match and the need for municipalities to budget five years into the future, that have complicated the ability of many jurisdictions to apply for and maintain a grant, and have prevented many jurisdictions from seeking a grant at all. Although the SAFER grant program is not due for reauthorization until 2010, we believe that the restrictions under SAFER are so onerous, the program is in danger of failing unless fixed now. Consequently, the united fire service feels that both programs should be re-authorized together.

The difficulties facing communities in applying for FIRE and SAFER grants have only been exacerbated by the current economic crisis. Communities nationwide have cut their fire department budgets and reduce services, simultaneously making it more difficult to meet the programs' requirements while also making funding through FIRE and SAFER more important than ever.

It is with these obstacles in mind that we present our proposals to the Subcommittee. We strongly believe that this package of amendments to the Assistance to Firefighters Grant program will help ensure that federal funding is spent in a way that maximizes the benefit to public safety and that grants are distributed more equitably among fire departments.

Improving the Assistance to Firefighters Grant Program

Funding Disparity

As mentioned previously, the most significant problem facing the FIRE Grant program is uneven distribution of funds such that the lion's share of funds are awarded to departments that protect a subset of the population. According to the Federal Emergency Management Agency, 68.4% of funds awarded under the FIRE grant program since the program's inception have been awarded to rural areas, while only ten percent have been awarded to urban areas.

When AFG was first authorized, there was a legitimate fear that the funding would be monopolized by large urban departments. All stakeholders agreed that the AFG program should be more balanced in its approach to awarding grants. I am very proud that I was part of those original discussions to fashion a system that allowed fire departments of all sizes to share in the FIRE Grant program. But, in our attempt to assure fairness, we over-compensated and created a situation in which the grants are skewed disproportionately against professional and combination departments.

These statistics can be viewed in the following chart:

SERVICE_AREA		Awarded		
	# Grants	% of total	Federal Funding	% of total
Rural	32,498.00	78.40%	2,631,055,911.00	68.40%
Suburban	6,675.00	16.10%	823,555,213.00	21.41%
Urban	2,279.00	5.50%	392,178,218.00	10.19%
TOTAL	41,452.00		3,846,789,342.00	
DEPT_TYPE		Awarded		
	# Grants	% of total	Federal Funding	% of total
All Paid/Career	4,875.00	11.77%	742,164,763.00	19.27%
All volunteer	25,976.00	62.70%	1,965,647,588.00	51.03%
Combination/Paid on Call	10,580.00	25.54%	1,144,399,276.00	29.71%
TOTAL	41,431.00		3,852,211,627.00	

This disparity can be explained by two reasons. First, current law contains a set-aside for volunteer fire departments and majority-volunteer departments, but contains no similar set-aside for any other type of department. This protection was built into the original law, with the support of the IAFF, to alleviate concerns that the majority of FIRE funds would be awarded to professional departments in urban areas. In part, this concern came from a fear that volunteer departments would not have the resources or know-how to apply for grants. In addition to the set-aside, FEMA has done a superb job of ensuring that the grant applicant process is easy, transparent, and accessible. FEMA has gone so far as to hold grant-writing workshops across the country, many of which are heavily marketed to volunteer departments and promoted by Members of Congress. These efforts have done much to enable applications by volunteer departments such that their ability to apply for a grant is no longer a common concern.

The second reason for the disparity in grant awards is due to the differences in the way volunteer and professional fire departments are organized. In the career fire service, a fire department is generally a function of the local government, such as a city or county, and consists of many fire stations that protect the jurisdiction in question. A volunteer fire department, on the other hand, generally consists of a single fire station that protects a defined geographic area. As a result, a professional fire department will generally protect a much larger population and run a significant number more calls than would a volunteer company.

My former fire department in Baltimore County, Maryland provides a good example of this dichotomy. Over a three year period, Baltimore County averaged approximately 120,000 to 125,000 emergency calls each year with the career component responding to over seventy percent of the calls. Of the 125,000 responses, 80,000 – 85,000 are run by the professional Baltimore County Fire Department, which consists of twenty-six fire stations. 32,000 – 33,000 of the calls are run by the thirty-three volunteer departments in

the County. Under current law, the Baltimore County Fire Department is eligible for \$1.75 million in FIRE grants. The thirty-three volunteer departments, however, are each considered separate eligible applicants, and are eligible to receive a million dollars apiece or \$33 million in aggregate. In other words, the volunteer departments in Baltimore County are eligible to receive almost twenty times the amount of funding as is the professional department, even though they combined only run one-third as many calls as the professional department. This pattern is not unique to Baltimore County. In nearly every state, the number of volunteer fire departments dwarfs the number of professional departments; in almost every case, the professional departments run far more calls than do the volunteers.

No one begrudges the ability of volunteer fire departments to receive FIRE grants. However, the current distribution of funds to protect only a small portion of the population is an inefficient use of scarce federal resources. According to the National Fire Protection Association, volunteer departments protected twenty-one percent of the population, professional departments protected forty-five percent, and combination departments protected thirty-three percent.

Lest I give the wrong impression, professional fire departments do protect a very large number of small communities. Over half of the IAFF's locals consist of less than fifty people, the vast majority of which serve communities of under 50,000. As a matter of fact, a full quarter of our locals consist of less than twenty-five members. The IAFF is not simply an organization representing big city departments.

Current law guarantees that rural communities and small communities are guaranteed a portion of FIRE grants, and we would not support any proposal that would eliminate that requirement.

Likewise, volunteer departments have significant needs and should continue to receive a large portion of FIRE grants. Thus, to alleviate the disparity in FIRE grant awards and to maximize the benefit federal dollars can provide to public safety, we propose that professional, volunteer and combination departments are each guaranteed thirty percent of total grant funding. This provision better allocates FIRE grants to those departments that serve a majority of the population, while still ensuring that volunteer and combination departments receive the vast majority of FIRE grant dollars.

We also recommend amending current law to codify FEMA's current requirement that priority be provided to applicants that protect large populations and have high call volume relative to other applicants. This provision is consistent with current guidance and will help ensure that federal dollars are used more effectively.

Funding Cap

Current funding caps under the FIRE grant program are too low to prove effective. Under current law, the largest jurisdictions, those of one million population or more, can receive no more than \$2.75 million. All metropolitan areas of one million or more in the

United States are professional departments, which means that the entire City of New York, with hundreds of fire stations and nearly fifteen-thousand fire fighters and emergency medical personnel, is limited to \$2.75 million in FIRE grant awards. Simply put, \$2.75 million is insufficient to measurably improve the fire department's preparedness and safety.

The Chief of the Kansas City Missouri Fire Department and past president of the International Association of Fire Chiefs, Smokey Dyer, also noted the restrictions placed on his fire department by the current funding cap: "The FIRE Act is a great program, but needs to be re-tooled. It's just plain wrong that as Chief of the Kansas City Missouri Fire Department with almost 500,000 people and all the issues confronting a major urban city, that I can only apply for a million dollars in AFG grants and our neighboring town of Lee's Summit, a bedroom community with significantly fewer hazards and population (82,000) density, where I was also privileged to serve as Fire Chief, is also eligible for the same grant level. For Kansas City to really benefit from the AFG program, we need to be able to access much larger grants."

Many of the largest fire departments do apply for FIRE grants, but they cannot make the best use of the funds they receive because of the cap. For this reason, we propose increasing the funding cap for communities of all sizes and all types of departments, so that the largest communities, those of 1 million or more, are eligible to receive up to \$10 million. Communities of 500,000 or more would be eligible for \$5 million, those of 100,000 or more for \$2 million, and those smaller than 100,000 for \$1 million. Even the smallest volunteer departments would qualify for a grant of \$1 million under our proposal.

Local Match / Maintenance of Effort

The reduced property values, shrinking tax bases, and tighter budgets that have restricted the ability of many local fire departments to afford urgently-needed equipment and training are also preventing these same jurisdictions from affording FIRE's current 20% match required of metropolitan areas. To alleviate this burden, we propose reducing the local match from 20% to 15%.

Additionally, while the fire service supports the principle of a local match, we recognize that there will be a few cases each year where cash strapped jurisdictions are facing critical public safety needs but are unable to afford this reduced match. To this end, we propose providing the Department of Homeland Security with the authority to waive the local match requirements for particularly needy departments.

For the same reason that many communities are unable to afford the current local match, many communities, especially in the years to come, will prove ineligible to receive a FIRE grant because they do not meet the maintenance of effort requirement under current law. This provision requires that grantees maintain their fire department budget at one-hundred percent of the average budget over the previous two years. As fire departments in communities of all sizes must make due with less, due to the current recession, this

provision will significantly shrink the pool of eligible applicants unless addressed. Reducing the current maintenance of effort requirement to eighty percent will help assure that communities will be able to apply for FIRE grants in the coming years, while still requiring that they fund their departments as robustly as possible.

Improving the Staffing for Adequate Fire and Emergency Response Grant Program

Although the FIRE grant program faces significant serious shortcomings, the situation facing the SAFER grant program is particularly dire. The hiring portion of the SAFER grant program contains numerous budgetary restrictions by which municipalities must abide if they wish to receive, and keep, a SAFER grant:

- Municipalities must supply an increasing local share of the fire fighter's salary over four years and provide 100% of the fire fighter's salary in the fifth year
- Municipalities must retain fire fighters hired with SAFER funds for at least five years
- Municipalities may not use SAFER funds to supplant state or local funds.

If a municipality fails to meet these requirements, it must return the grant to the federal government. Unfortunately, this is happening in greater and greater numbers. According to the Department of Homeland Security, since SAFER's inception four years ago, seventy-eight grantees have had to repay the federal government a total of \$62.7 million because they failed to meet the rigorous requirements. An additional seventy-one grants totaling \$51.4 million were declined by municipalities that felt they could not meet the program's obligations.

In North Aurora, Illinois, for example, the North Aurora Fire Protection District was forced to turn down a \$650,000 SAFER grant it received, citing the sliding match and the maintenance of position requirement as commitments they could no longer keep. The grant was originally intended to add six additional fire fighters to the District's roster.

SAFER's restrictions have proven to be extremely difficult for many municipalities to abide by, and have only been exacerbated by the economic crisis. Although Congress enacted temporary measures to waive SAFER's local match and provide the Secretary of Homeland Security the authority to waive some of SAFER's other restrictions for 2009 and 2010, without a permanent change in law the SAFER Grant program will be left unable to fulfill its mission of helping local communities meet safe fire fighter staffing levels.

The most significant issue facing SAFER is the simple inability of municipalities to accurately budget five years into the future. Current law requires that communities increase their local match over four years and pay 100% of a fire fighter's salary in the fifth year, and many communities are finding that they cannot meet their commitments in the third, fourth, and fifth years of the grant cycle. Furthermore, current law requires that a department maintain its staffing levels throughout the five year grant cycle. The simple

fact of the matter is that five years ago, the very notion that communities today would have to cut fire department budgets and lay off fire fighters was unthinkable. No one could have predicted the depths of this recession, and likewise, few communities have sufficient resources to handle unanticipated expenses and dramatically lower than expected revenues.

In further illustration of this point, the Washington Fire Chiefs recently conducted a survey of their members to determine whether the sliding local match required under SAFER precluded fire departments from applying for a grant, or accepting a grant for which they had previously applied. Twenty-one percent of the departments responded that, although they had received a SAFER grant, they were unable to meet the local match. Additionally, sixty-one percent of departments replied that the local match requirement precluded them from applying for a SAFER grant at all.

In essence, the current budgetary requirements under SAFER limit federal awards to only well-off communities. Clearly, this was never Congress's intent.

We think the best way to address these issues is to simplify the entire grant process. The joint fire service proposal calls for an across-the-board twenty-percent match, rather than the sliding scale under current law, and shortening the length of the grant period from five years to three. These changes will make it easier for municipalities to commit to a SAFER grant and prevent many unseen circumstances from necessitating a grant's return to the federal government.

SAFER law should also be amended to eliminate the current funding cap. Under current law, departments are granted up to \$100,000 per fire fighter over four years to fund the cost of the fire fighter's salary and benefits. The average first-year fire fighter salary is currently \$37,429. Thus, in many jurisdictions, the \$100,000 only meets the federal commitment for the first years of the grant, leaving the local department to bear more than the local match in the third and fourth years. This is especially true in urban areas and on the West Coast. In Portland, Oregon, for example, a first year fire fighter's salary is \$52,538, well over the national average.

By eliminating the funding cap, more communities will be able to take advantage of SAFER grants without regard to subsidizing any unmet federal share.

Lastly, we propose that the waiver authorities granted to the Secretary of Homeland Security just last month on a temporary basis be made permanent. Specifically, the Secretary should be granted the authority to permit grants be used to avoid or reverse fire fighter layoffs, waive the local match, maintenance of position requirement and maintenance of budget requirement. We anticipate that such waivers will be an uncommon occurrence, but will provide the Department with the flexibility to help fire departments that have particularly great need and are at particularly great risk.

Conclusion

On behalf of the International Association of Fire Fighters, I appreciate the opportunity to share with you our views on how to best improve the Assistance to Firefighters grant program. Having been intimately involved in the creation and administration of the FIRE and SAFER grant programs, it is clear to the IAFF that current law undermines the programs' mission to enhance the safety of fire fighters and the public nationwide. The changes we have produced with the united fire service organizations and have outlined here today will help fulfill the programs' intent and allow the federal government to better play a key role in protecting the public safety.

To the extent that the IAFF can assist the Subcommittee in achieving this vision, I am happy to offer our expertise and pledge to work closely with you and your staffs.

Again, I'd like to thank the Subcommittee for the opportunity to testify today and am happy to answer any questions you may have.