

ONGRESSIONAL FI INSTITUTE ERVICES



LEGISLATIVE OUTLOOK

116th Congress - First Session



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CFSI NATIONAL ADVISORY COMMITTEE

The strength of CFSI is its National Advisory Committee (NAC). Composed of 38 trade groups, issue organizations, and professional associations including the leading fire service organizations in the country, the NAC provides a forum where the national fire organizations conduct discussions and develop consensus on important national fire and emergency services issues. Funding for the United States Fire Administration and the AFG/SAFER grant programs, reallocation of spectrum for first responders, addressing fire service occupational cancer, and greater involvement of first responders in disaster mitigation are examples of the types of issues the NAC has supported at recent meetings.

Member Organizations

American Fire Sprinkler Association Center for Campus Fire Safety Center for Public Safety Excellence Common Voices Cumberland Valley Volunteer Firemen's Association Fire Department Safety Officers Association Federation of Fire Chaplains Fire and Emergency Manufacturers & Services Association **Fire Apparatus Manufacturers' Association Fire Engineering Magazine Firehouse Magazine FireRescue Magazine** FireRescue1/Fire Chief Institution of Fire Engineers – United States of America Branch **Insurance Services Office** International Association of Arson Investigators **International Association of Black Professional Firefighters** International Association of Fire Chiefs International Association of Fire Fighters **International Association of Wildland Fire** International Code Council **International Fire Buff Associates International Fire Marshals Association International Fire Service Training Association International Municipal Signal Association International Society of Fire Service Instructors** National Association of State Fire Marshals **National Board on Fire Service Professional Qualifications National Fallen Firefighters Foundation** National Fire Protection Association **National Fire Sprinkler Association** National Volunteer Fire Council **North American Fire Training Directors** SimplexGrinnell **Society of Fire Protection Engineers Underwriters Laboratories USA Sprinkler Fitters** VFIS

CONGRESSIONAL FIRE SERVICES INSTITUTE 2019 LEGISLATIVE OUTLOOK

In 2019, Congress is considering many issues of critical importance to the nation's fire and emergency services. Actions taken by Congress will have a direct impact on the fire service's ability to prepare for, respond to, prevent, and mitigate incidents both large and small, natural and manmade, local and national in scope. This document is synopsis of some critical issues that will be considered during the First Session of the 116th Congress.

ABOUT THE FIRE SERVICE

(Data was compiled by the National Fire Protection Association – www.nfpa.org/research).

Composition of the U.S. Fire Service (2015) Approximately 29,727 fire departments in the United States • 2,651– All career • 1,893 – Mostly career • 5,421 – Mostly volunteer • 19,762 – All volunteer Approximately 1,160,450 firefighters • 345,600 career firefighters • 814,850 volunteer firefighters	 Fire Department Calls – 35,320,500 (2016) Fires – 1,342,000 Medical Aid – 22,750,000 False Alarms – 2,622,000 Mutual Aid – 1,515,000 Hazardous Materials – 425,000 Other – 6,665,500
 Fire Losses in the United States (2016) 1,342,000 fires were reported These fires caused 3,390 civilian deaths, 14,650 civilian injuries, and \$10.6 billion in property damages. 475,500 were structure fires, causing 2,950 civilian deaths, 12,775 civilian injuries, and \$7.9 billion in property damage. 	 Firefighter Deaths and Injuries (2017) There were 60 on-duty firefighter deaths in 2017. Sudden cardiac death accounted for nearly half of the on-duty deaths (29 deaths). There were 58,835 firefighter injuries in 2017. 24,495 firefighter injuries in 2017 occurred during fireground operations.

FIREFIGHTER ASSISTANCE GRANTS:

HISTORY OF THE ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAMS

The Assistance to Firefighters Grant (AFG) Program was first authorized as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The legislation gives the Administrator of the Federal Emergency Management Agency (FEMA) the authority to make "grants on a competitive basis directly to fire departments...for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards." The program also provides funding for national, state, and local organizations to conduct fire prevention and education programs.

In 2003, Congress expanded the program, creating the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program. The SAFER program awards grants directly to fire departments for the hiring of firefighters. Additionally, SAFER grants can be used for recruitment and retention programs for volunteer firefighters.

In 2017, Congress unanimously passed stand-alone legislation reauthorizing the programs through Fiscal Year 2023 (P.L. 115-98). This was a historic first for the grant programs and is a testament to their enduring success.

ASSISTANCE TO FIREFIGHTER GRANTS

The Assistance to Firefighters Grant (AFG) Program is designed to address the firefighting and emergency response needs of fire departments and non-affiliated emergency medical service organizations. Created in 2001, AFG has helped fire departments obtain essential equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards. AFG is a competitive, peer-reviewed program that requires a local match from recipients. The grants are awarded directly to fire departments, ensuring the funds reach the end user.

STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS

The Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program is a competitive grant program that provides funding directly to fire departments and volunteer fire service organizations to help them increase the number of firefighters available in their communities. The goal of SAFER is to enhance a local fire department's ability to comply with staffing, response and operational standards established by the National Fire Protection Association (NFPA) and the Occupational Safety and Health Administration (OSHA), increasing the level of firefighter health and safety. Similar to the AFG program, SAFER grants are peer-reviewed and require a local match. A portion of the funding is set aside for programs to hire firefighters.

FIRE PREVENTION & SAFETY GRANTS

The Fire Prevention and Safety (FP&S) grants are part of the AFG Program. Targeting high-risk populations, the FP&S grants support projects that enhance the safety of the public and firefighters from fire and fire-related hazards. Congress expanded the eligible uses of funds to include Firefighter Safety Research and Development when it reauthorized the grant programs in 2005. Eligible applicants for FP&S grants include fire departments and organizations recognized for their experience and expertise in fire prevention and safety programs and activities. Both private and public non-profit organizations are eligible to apply for funding in this activity. Recipients of Fire Prevention and Safety grants provide a 5% match.

FOURTH NEEDS ASSESSMENT OF THE U.S. FIRE SERVICE

The Fourth Fire Service Needs Assessment of the U.S. Fire Service was completed by the National Fire Protection Association in 2016. The goal of all four surveys has been to identify major gaps in the needs of the U.S. fire service, comparing what departments have with what they need for safe and effective operations. Here are some important findings from the four surveys (Data compiled by the National Fire Protection Association – www.NFPA.org).

Personal Protective and Firefighting Equipment:

Unmet needs for all types of personal protective and firefighting equipment have been greatly reduced, though far from eliminated. For example:

- 53% of all fire departments cannot equip all firefighters on a shift with self-contained breathing apparatus (SCBA), but this figure is down from 70% in 2001.
- 28% of all fire departments do not have enough personal alert safety system (or PASS) devices to equip all emergency responders on a shift, but this figure is down from 62% in 2001.
- 50% of all fire departments lack enough portable radios to equip all responders on a shift, down from 77% in 2001.

Facilities (Stations) and Apparatus (Engines, Pumpers, Ladders):

The AFG grants provided considerable support, at least in the early years, for acquisition/replacement of fire department engines and pumpers. These grants have helped to hold the line on the age profile of the fire apparatus inventory. For example:

• Without engine replacement, nearly all of the 19% of engines that were at least 20 years old in 2005 would have been at least 30 years old in 2015; instead, the actual percentage of engines that were at least 30 years old in 2015 was 8%.

Training:

EMS training, size of need among all departments. Overall, 34% of all departments provide EMS but have not formally trained all their personnel involved in EMS - largely unchanged from 33% in 2010.

Technical rescue training, size of need among all departments. Overall, 40% of all departments provide technical rescue but have not formally trained all their personnel in technical rescue - down from 48% in 2010.

Structural firefighting training, size of need among all departments. Overall, 49% of all departments in 2015 have not formally trained all of their personnel involved in structural firefighting, slightly up from 46% in 2010.

Hazmat training, size of need among all departments. Overall, 60% of all departments provide Hazmat but have not formally trained all their personnel involved in Hazmat -up from 50% in 2010.

Wildland firefighting training, size of need among all departments. Overall, 63% of all departments provide wildland firefighting but have not formally trained all their personnel involved in wildland firefighting - up from 58% in 2010.

(Fourth Needs Assessment of the U.S. Fire Service continued...)

Summarizing the report, NFPA stated, "While some needs have declined, many others have been constant or have shown an increase. Gaps remain across the board in staffing, training, facilities, apparatus, personal protective equipment, and health and wellness... Evidence of the need for staffing engines; training for structural firefighting, Hazmat and wildland firefighting; and updated SCBA and personal protective clothing is concerning.

"Roles and responsibilities of the fire service are expanding apparently at the same time [it] appears that resources are being cut. EMS and Hazmat are now common responsibilities while active shooter response, enhanced technical rescue and wildland-urban interface firefighting are up and coming challenges for many departments.

"AFG and SAFER grant funds are targeted towards areas of need. As other resources are cut back, more departments turn towards these grants for support. If anything, these grant programs should grow in order to address the considerable multifaceted need that continues in the fire service" (Fourth Needs Assessment of the U.S. Fire Service, November 2016; page xvii).

FUNDING FOR FIREFIGHTER ASSISTANCE GRANTS AND THE UNITED STATES FIRE ADMINISTRATION

On Thursday, February 14, 2019, the Senate and House both approved H.J. Res. 31, the Consolidated Fiscal Year 2019 Appropriations Act. The \$333 billion spending package, which combines seven Fiscal Year 2019 appropriations bills, included funding for several programs of significance to the nation's fire and emergency services. The Assistance to Firefighters (AFG) and Staffing for Adequate Fire and Emergency Response (SAF-ER) grant programs were funded at \$700 million, split evenly between the two programs. This is the same level of funding Congress appropriated in Fiscal Year 2018. Additionally, the United States Fire Administration (USFA) was funded at \$44.179 million, with an additional \$1.5 million for infrastructure improvements at the National Fire Academy. This is a sizable increase from the Fiscal Year 2018 (FY18) funding level of \$42.9 million.

The White House's Fiscal Year 2020 spending plan, which was released on March 11th, requests \$688,688,000 for the Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response grant programs, split evenly between the two programs. This is the same amount the Administration requested in its Fiscal Year 2019 budget proposal. While it is a positive sign that the Administration is not requesting significant cuts to the grant programs, we encourage Congress to fund these programs at \$810 million evenly divided between the two programs. This funding level represents a restoration to the Fiscal Year 2011 funding levels and will assist local fire departments in meeting the increasing costs of equipment, training, and labor.

Congress created these grant programs to address the baseline needs of our nation's fire and emergency services. These highly successful programs help ensure that our nation's 30,000 fire departments have the necessary training, equipment, and staffing to respond to over 30 million emergency calls annually and to continue to reduce community risk.

Every community across the country relies on our firefighters to respond to a variety of emergency situations, including structure fires, emergency medical services, hazardous materials response, technical rescue, and wildland/urban interface fires. Both the AFG and SAFER grant programs improve the response capabilities in each of these emergency response areas and provide funding for crucial fire prevention and safety programs targeted toward high-risk populations.

(Funding for Grants and USFA continued...)

Unfortunately, recent years have seen a steep increase in the cost of some of the most common and sought-after firefighting equipment. An analysis by industry experts estimates that from 2011 to present, the cost of protective clothing has increased by an estimated 11.4%. During the same time period, the cost of self-contained breathing apparatus (SCBA) increased by an estimated 15%. These cost increases were due in part to the increased costs of raw materials and to necessary changes to equipment standards that improve firefighter safety.

Since 2011, there has also been a sharp increase in the cost of firefighting apparatus. The cost of pumper trucks, which make up approximately 60% of the apparatus market, has increased by an estimated 14.6% due in large part to price increases for materials and labor.

The AFG and SAFER grant programs provide the means to enhance preparedness and response capabilities nationwide for all types of hazards, as well as support fire prevention and education programs. These capabilities are squarely in the federal interest and justify continued federal investments.

The United States Fire Administration (USFA) plays an important role at the national level, ensuring that the fire service is prepared to respond to all hazards. Each year, USFA provides training to approximately one million fire and emergency service personnel through the National Fire Academy (NFA). It also collects important data and conducts research to reduce the threat of fire and other dangers in local communities. The White House has requested \$46.605 million for USFA in Fiscal Year 2020. While it is a positive sign the Administration is requesting an increased funding level for the agency, CFSI and other national fire organizations support \$50 million in funding. The additional funds would enable the agency to maintain technical support for its data collection capabilities while providing continued support for the National Fallen Firefighters Memorial Weekend and the state fire training systems.

DID YOU KNOW?

In 2017, nearly 113,700 Americans were employed in the manufacturing sector producing fire and emergency services equipment.

Approximately 95% of the equipment firefighters use to protect our communities is manufactured in the United States.

Source: Fire Apparatus Manufacturers' Association/Fire and Emergency Manufacturers and Services Association (FAMA/FEMSA) Government Affairs Committee (www.famafemsagac.org)

FIREFIGHTER OCCUPATIONAL CANCER

On July 7, 2018, President Trump signed into law the Firefighter Cancer Registry Act. The bipartisan legislation created a specialized national registry to provide researchers and epidemiologists with the tools and resources needed to improve research collection activities related to the monitoring of cancer incidence among firefighters. Now it is critical Congress fully fund the new registry.

The national fire service organizations have requested Congress provide \$2.5 million, the fully authorized amount, for the National Firefighter Cancer Registry in the Fiscal Year 2020 Labor-HHS spending bill.

FIREFIGHTER MENTAL HEALTH AND WELLNESS

On March 8, 2019, Congressman Ami Bera (CA-7) introduced H.R. 1646, the HERO Act. The legislation provides funding for peer counseling programs for public safety officers.

The demanding and stressful tasks that public safety officers experience as part of their daily duties to keep the public safe can take a toll on those officers. It is imperative that support, resources, and other tools be available for those firefighters who may be experiencing post-traumatic stress (PTS) due to experiences they have had as a result of the work they perform.

H.R. 1646 will help gather information to grasp how pervasive PTS is among public safety officers and provide support, resources, and counseling for those officers who need it. The data collected will also provide professionals with more information to develop best practices and improve measures to recognize, prevent, and treat mental health issues among public safety officers.

H.R. 1646 has been referred to the House Energy and Commerce Committee and the House Science, Space, and Technology Committee for consideration.

REAUTHORIZING THE SEPTEMBER 11th VICTIMS COMPENSATION FUND

On February 25, 2019, Congresswoman Carolyn Maloney (NY-12) introduced H.R. 1327, the Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act. The bipartisan legislation fully funds and permanently reauthorizes the September 11th Victims Compensation Fund. Senator Kirsten Gillibrand (NY) introduced identical legislation, S. 546, in the Senate on the same day.

On January 2, 2011, the James Zadroga 9/11 Health and Compensation Act, which provides medical monitoring, treatment, and compensation to individuals sick or injured from the 9/11 attacks, was signed into law. In 2015, Congress extended the health program through 2090, but only extended the Victim Compensation Fund (VCF), which provides compensation to those sick or injured as a result of the terrorist attacks on September 11, 2001, or the rescue and recovery efforts that took place subsequently, through 2020. Now, in addition to the looming sunset date in 2020, the VCF is on track to run out of funding as soon as six months from now.

Claims to the VCF continue to grow as the number of individuals diagnosed with 9/11-related illnesses and cancers from their exposure to toxins at Ground Zero grows every day. Today, over 42,000 people who are in the World Trade Center Health Program are suffering from at least one certified 9/11 condition, while a large percentage have multiple conditions.

Absent swift congressional action, 9/11 responders will soon face cuts to compensation claims and the entire program will abruptly end in December of 2020. Even though the VCF is still clearly necessary, it will expire in 2020 without further action by Congress.

TAX INCENTIVES FOR COMMERCIAL FIRE SPRINKLER RETROFITS

On December 22, 2017, President Trump signed the Tax Cut and Jobs Act of 2017 (P.L. 115-97). The legislation contained a significant provision to increase fire safety in commercial properties. The law classifies "fire protection systems" as an eligible property under Section 179 of the tax code. This provision allows small and medium-sized businesses to fully expense certain types of equipment purchases like machines, equipment, vehicles, and computers. With the expansion of Section 179 to now include fire protection systems, small and medium-sized businesses will be able to fully expense up to \$1 million for the retrofit of their property with automatic fire sprinklers.

While this is an important life safety provision, there was another provision that would have further incentivized commercial property owners to retrofit their properties with fire protection systems. Unfortunately, this second provision was inadvertently omitted from the legislation approved by Congress. It would classify "fire protection systems" (including automatic fire sprinkler systems) as Qualified Improvement Properties (QIP), which would be eligible for bonus depreciation. QIP includes fire sprinklers and any other non-structural improvement to the inside of a commercial building. This would allow fire protection systems to be eligible for immediate expensing for the first 5 years, tapering down to zero over the next 5 years. However, due to a drafting error, this provision was not enacted.

On March 14, 2019, Senator Pat Toomey (PA) introduced S. 803, bipartisan legislation to restore the incentives for investments in Qualified Improvement Properties, including fire protection systems. The legislation has been referred to the Senate Finance Committee.

VOLUNTEER RESPONDER INCENTIVE PROTECTION ACT

The Volunteer Responder Incentive Protection Act (H.R. 1241) allows communities to provide volunteer firefighters and EMS personnel property tax reductions and up to \$600 per year of recruitment and retention incentives without those benefits being subjected to federal income tax and withholding.

Without the services of volunteer fire service personnel, many communities could not provide emergency services protection, while others would need to raise taxes to pay salaries and benefits for full or part-time staff. Unfortunately, emergency services agencies are finding it increasingly difficult to recruit and retain the next generation of volunteers. In small communities where volunteer firefighters are nearly ubiquitous, more than 30 percent of firefighters are 50 years of age or older, up from just 18 percent in 2000.

To bolster recruitment and retention, many volunteer fire departments now provide a number of incentives, including non-monetary gifts, reductions in property taxes or other fees, per-call payments, stipends, and retirement benefits. Volunteer benefits are typically small but demonstrate community support.

As volunteer incentives have become more prevalent, the Internal Revenue Service has made ensuring that benefits are properly reported and taxed a priority. Complying with IRS reporting requirements can often be burdensome for some volunteer fire departments, many of which are located in small communities that may not employ full-time administrative staff. The Volunteer Incentive Protection Act would allow local agencies to provide nominal benefits without having to worry about being audited by the IRS. The act would also enhance the incentive value of volunteer benefits by allowing individuals to keep the entire amount.

H.R. 1241 was introduced by Congressman John Larson (CT-1) on February 14, 2019.

PUBLIC SAFETY COMMUNICATIONS

On January 10, 2019, Congressman Eliot Engel (NY-16) introduced H.R. 451, the Don't Break Up the T-Band Act. The legislation would repeal section 6103 in Title VI of P.L. 112-96, which mandates that the Federal Communications Commission begins an auction of the public safety spectrum in the T-Band (470-512 MHz) by February 21, 2021, and clear public safety operations from that band within 2 years after the auction.

The T-Band spectrum is currently available for public safety use within the greater metropolitan areas of Boston, Dallas, Chicago, Houston, Los Angeles, Miami, Pittsburgh, New York City, Philadelphia, Washington D.C., and San Francisco. The National Public Safety Telecommunications Council (NPSTC) has conducted comprehensive studies on the public safety T-Band spectrum use in these areas and has issued reports addressing the significant negative impact of requiring public safety to relocate out of the T-Band.

Public safety organizations use the T-Band spectrum to support both day-to-day operations and regional interoperability. Because of the mission-critical nature of the communications required, local public safety organizations have spent many years and millions of dollars in federal, state, and local taxpayer funds to plan and build out T-Band networks that are tested and designed for the operational needs in each of these metropolitan areas.

It is essential for Congress to pass H.R. 451 and preserve the T-band for public safety operations.

PORTABLE FUEL CONTAINER SAFETY ACT

On January 28th, Congressman Mike Thompson (CA-5) and Congressman David Joyce (OH-14) introduced H.R. 806, the Portable Fuel Container Safety Act. The legislation directs the Consumer Product Safety Commission(CPSC) to adopt a standard requiring the addition of flame mitigation devices to consumer-grade portable fuel containers.

The National Fire Protection Association (NFPA) estimates fire departments respond to an average of 160,910 fires per year involving ignition of a flammable or combustible liquid. These fires result in approximately 454 civilian deaths, nearly 4,000 civilian injuries, and an estimated \$1.5 billion in direct property damage annually. Requiring flame mitigation devices to be added to consumer-grade portable fuel containers will help prevent "flame jetting" or "flashback" to the fuels and vapors within the container and will help prevent burn injuries and fatalities.

The legislation has been referred to the House Committee on Energy and Commerce.

CARBON MONOXIDE POSIONING PREVENTION

On February 13th, Senators Amy Klobuchar (MN) and John Hoeven (ND) introduced S. 481, the Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act. The bipartisan legislation requires the Consumers Product Safety Commission (CPSC) to establish a grant program for states and tribal organizations for the purposes of installing carbon monoxide detectors in the homes of elderly and low-income individuals, as well as schools and other public facilities.

Carbon monoxide is an odorless, colorless gas that is produced whenever fossil fuels are burned. According to the Centers for Disease Control and Prevention, there are over 400 deaths and 20,000 emergency room visits caused by carbon monoxide poisoning every year.

Similar legislation, H.R. 1618, was introduced on March 7th by Congresswoman Ann Kuster (NH-2) and Congressman Earl L. "Buddy" Carter (GA-1).

CONGRESSIONAL FIRE SERVICES CAUCUS

Senate Co-Chairs

Senator Thomas Carper (DE) - Chair Senator Susan Collins (ME) Senator John McCain (AZ) Senator Jon Tester (MT)

House Co-Chairs

Congressman Steny Hoyer (MD-5) Congressman Peter King (NY-2) Congressman Bill Pascrell, Jr. (NJ-9) Congressman Mike Bost (IL-12)

CONGRESSIONAL FIRE SERVICES CAUCUS

In 1987, the Congressional Fire Services Caucus was established to educate members of Congress about the fire and emergency services. The Caucus was created to be a bipartisan group where Republicans and Democrats could work together to improve the readiness of local first responders and to jointly recognize their valor and dedication. To preserve the bipartisan spirit of the Caucus, the chairmanship rotates every two years between Republican and Democratic members. Previous chairmen include Senators John McCain (AZ), Paul Sarbanes (MD), William V. Roth, Jr. (DE), Joseph Biden (DE), Congressmen Curt Weldon (PA), Steny Hoyer (MD), Sherwood Boehlert (NY), Robert Andrews (NJ), David Reichert (WA), Peter King (NY) and Bill Pascrell, Jr. (NJ).

Today, the Fire Caucus is one of the largest caucuses in Congress. The Caucus is not about ideology, but rather respect and support for our nation's first responders. The Congressional Fire Services Caucus unites all members of Congress in support of fire service legislation that benefits all of our nation's fire and emergency services. Acting in a bipartisan manner, the Caucus is dedicated to addressing the needs and challenges of our nation's fire and emergency services. The Caucus serves as a forum for education and discussion on a broad range of issues that impact the readiness and response capabilities of our nation's first responders to all forms of hazards.

Members of Congress can build upon their relationships with local fire service leaders by joining the Fire Caucus. In many instances, members of the fire service are the pillars of a community. They attend the Rotary and Chamber meetings. They organize the blood drives and the Fourth of July picnics. In many smaller communities, the volunteer firefighters are also prominent business leaders. Most importantly, firefighters are among the first on the scene when a disaster strikes.

Joining the Congressional Fire Services Caucus is a win-win proposition for members of Congress and local fire departments. By joining, members are not expected to support an agenda, but rather a cause. Members of Congress interested in joining the Fire Caucus should contact one of the current co-chairs listed above.

Is your member of Congress a member of the Congressional Fire Services Caucus?

Find out by visiting www.cfsi.org/legislation-advocacy/congressional-fire-services-caucus/.