

Testimony for the
Senate and House Veterans Affairs & Emergency Preparedness Committee
SR 6 Commission
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Pennsylvania State Fire Academy
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Good morning Co-Chairman Vulakovich, Co-Chairman Barrar, Senators, Representatives, fellow Firefighters and distinguished members of the SR 6 Commission. I am Chas McGarvey and I am the Chief Fire Officer of the Township of Lower Merion Fire Department, and Chair of the SR 6 Government Support Subcommittee. I would be remiss if I didn't take this opportunity to thank all those who served on the Government Support subcommittee for the time and effort they put forth in bringing you our recommendations. I also want to thank you for the opportunity to offer this testimony here today regarding the work that has been completed by the Government Support Subcommittee.

The decline of Volunteers in the Fire and EMS services is having a significant impact on the ability of municipalities to be able to reliably, and safely, provide fire and emergency medical services to protect the citizens of the Commonwealth. Fewer trained personnel are responding to emergencies and most elected officials do not understand the varying levels of capabilities of their Emergency Services Departments. In addition, there is no statutory requirement for municipalities to document a standard of cover for Fire or EMS protection. Funding of the Fire and EMS services is in decline, and all areas of funding for the Fire and EMS services needs to be reviewed so that sufficient monies are made available and appropriately distributed amongst all entities.

The Government Support subcommittee was tasked with making recommendations that would address the operations of the Office of the State Fire Commissioner, define what a firefighter is, and propose a Standard of Cover. We were also directed to collect data on all the fire companies and departments in the Commonwealth including the number of stations they respond from, the number of trucks and apparatus in each station, the number of firefighters they

have, and to further break that down into how many of those firefighters responded to a minimum of 10% of their fire calls, and how many responded to 20% of their fire calls. In addition, we also looked at how many of their firefighters had Firefighter I certification and how many had Firefighter II certification.

In order to respond to this inquiry, the subcommittee developed a survey, which was sent to fire companies and departments across the Commonwealth. The survey period was open from June 1 through June 30. The survey was sent to 1,713 fire companies and departments, as this was the number of departments for which the Office of the State Fire Commissioner had electronic contact information on file. This survey group included career and volunteer entities but excluded the cities of Philadelphia and Pittsburgh, as we did not want to skew the data. From this effort, 31 surveys were undeliverable and only 385 responses were received. Of those 385 surveys, 382 responses were useable. Unfortunately, we didn't receive the response rate we had hoped, but the survey did capture responses that reflect the distribution of fire department characteristics, in this case rural, suburban and urban, making these results valid and useable.

The analysis of PENNFIRS data in May showed that the number of active firefighters in the Commonwealth was no more than 37,715 individuals. This number includes career personnel, exclusive of the cities of Allentown, Pittsburgh, and Philadelphia. Therefore, the number of volunteer firefighters is less than this number. It is also important to note that not all volunteers who respond to fire incidents are actually capable firefighters. The PENNFIRS data also includes Fire Police Officers and undoubtedly includes some number of "Life Members" who no longer serve actively on the scene but respond to the station and are thus credited for

their response. With that said however, we do not feel that the precise number of volunteers is as important as the following:

1. The trend is negative. Our survey, when compared to prior surveys, notably the 2012/2013 Centre For Rural PA survey, clearly shows we have fewer active firefighters and have lost ground;
2. Our survey confirms that a significant number of people appear on more than one Fire Company or Department roster, and thus the overall roster numbers are not terribly valuable, and;
3. The survey results are reflective of other hard data, such as PENNFIRS.

In addition, there are two items that were identified that we feel warrant immediate attention, and we encourage the Legislature to act on these items without delay, the first is;

1. Closure of the Foreign Fire Insurance Tax Loopholes (Reform of Act 84, Fireman's Relief). Despite continuing development of property throughout the Commonwealth, Relief revenues continue to decline. As an example, despite robust growth of population and considerable new construction in the State College area, State College Fireman's Relief revenues have declined 15.8% since 2013 with a decline of 8.7% between 2016 and 2017. Inquires made by the Office of the State Fire Commissioner to the insurance department revealed between 6 million and 7 million fewer insurance policies being subject to the tax in just the past two years. This situation is creating significant financial hardship to both volunteer and career fire companies and fire departments.
2. Inclusion of Career Fire Departments in the Volunteer Loan Assistance Program otherwise known as VLAP. Current language establishing the VLAP program precludes participation

by career fire departments. Many career fire departments, particularly those serving cities of the third class are struggling to maintain and replace capital equipment. Participation in this program provides these departments with tools to better serve their citizens through modernization of apparatus and facilities. Inclusion of career departments in the VLAP program is supported by the Pennsylvania Fire Emergency Services Institute and the Pennsylvania Career Fire Chiefs Association. It is recommended to remove restrictions that exclude career fire departments from participating in the VLAP and rename it to FALAP, Fire Agency Loan Assistance Program.

Another area researched by the subcommittee was Local Government Responsibility. The subcommittee recommends that the legislation passed in 2008 (PA Act 7 of 2008) which requires municipalities to provide Fire and EMS emergency services, be amended to also have local municipalities adopt one or more "Standard of Cover". We have included four different models from which to choose in our report. By doing this, it will help to strengthen the engagement of local governments in matters related to their Fire and EMS services. In addition, municipalities should also be required to enter into mutual aid agreements that will call the closest Fire or EMS department regardless of Township, Borough, County, City, or, in some cases, State boundaries in order that Pennsylvanians will be assured the closest Fire - EMS company response.

As previously stated, the Government Support subcommittee was specifically asked by the SR 6 Chairs to make recommendations relative to the State Fire Commissioner and the Office of the State Fire Commissioner. Although the Office of the State Fire Commissioner has been helpful to the fire service, its impact and effectiveness remains limited at best. The Office

of the State Fire Commissioner is severely underfunded and seriously understaffed. A personnel assessment should be conducted of the Office to assure proper staffing levels for the duties assigned to the office. Once this assessment is completed, it is imperative that the staffing levels of the Office be brought up to an efficient and effective level, in order to accomplish the recommendations of this Commission. It is further strongly recommended that this Office be a stand-alone office that reports directly to the Governor rather than part of PEMA. The subcommittee feels strongly that the Office of the State Fire Commissioner should be clearly designated as the "lead agency" for fire services in the Commonwealth. Some of its duties would include: Grant Administration, State Fire Academy operations, Data collection and analysis of the statewide fire experience and system conditions. This information must be collected on an ongoing basis to assist in making decisions going forward, and the subcommittee feels very strongly that a staff member should be solely dedicated to this function. The Office would: advocate for fire prevention measures and improvements in fire service quality and delivery; administer the Fireman's Relief funds, excluding the audit function which would remain a function of the Auditor General; provide binding pre-audit advice; determine allowable uses of Relief funds; provide technical assistance directly and through agents and affiliates to fire departments on technical and managerial matters; and take action to correct deficiencies related to a statewide minimum standard of cover.

The fire service in Pennsylvania is in need of a complete overhaul, as proven by the lack of participation in the survey conducted by this subcommittee. The subcommittee feels the only way to accomplish this is by creating a new State Fire Commission with the State Fire Commissioner serving as its chair. This commission would conduct inspections of Fire

Departments to assure they are in compliance with the new Pennsylvania Fire Commissions standards.

Funding and Incentives is another area that was examined by our subcommittee. The subcommittee recommends adopting a Length of Service Awards Program , also known as LOSAP, that would be supported at the state level. Both volunteer and career fire departments should be given the ability to charge for real and reasonable costs associated with their emergency response. In addition, the Commonwealth should consider providing basic funding for delivery of Fire and EMS services on a cost-shared basis with local government. This funding should be structured to encourage regionalization of fire services. In the area of grants, the subcommittee feels that all grants should be available to both career and volunteer fire departments. The current VLAP program needs to be overhauled, especially the application process, and additional funding provided. Relief Funding Reform is needed, and the subcommittee supports strengthening the beneficial use of Relief funds and opportunities to increase funding of Relief, particularly for those fire departments with small allocations. Lastly, the subcommittee feels strongly that all funding (\$36 Million) that was previously removed from the VLAP and Relief Fund should be replaced.

It has been stated in the past that the alarm has been sounded regarding the Pennsylvania Fire and EMS services and that we are in a crisis. It is our belief that the crisis occurred when the SR 60 Commission was created, and we are now beyond crisis, and if left to continue down this road, the fire and EMS systems will collapse. As we move forward with the SR 6 Report, sincere political fortitude and commitment are needed. The legislation must act on all of the recommendations of the Commission's report, and not just those that are easy and have no cost

associated with them. Our final report will provide much more detailed information regarding the volunteer firefighter decline, local government responsibility as well as the creation of a new state fire commission, with a model attached.

Through the course of its research, the Government Support Subcommittee observes that many of the recommendations being proposed cross over to other subcommittees of the Commission. We also know that these recommendations are not new, with many having been repeatedly proposed to the Legislature in the 1976 Pennsylvania Burning Report, the 1985 PFESI Survey, the 2004 SR 60 report, the 2005 HR 148 report, and the 2015 Center for Rural PA reports, but not acted upon. Legislative initiatives offered in lieu of the specific recommendations of these reports, while earnest and offered in good faith, have failed to achieve desired results. The basis for many of the unaddressed recommendations made in these previous reports remain valid today and the continuing decline in fire and emergency services warrants them being acted upon without delay.

I just returned from the International Association of Fire Chiefs conference in Dallas, Texas and while walking from my hotel into the convention center there was a sign with different quotes on it, but there was one that kept jumping out at me each time I passed it. It was a quote by Leonardo Da Vinci that said, "Knowing is not enough; we must apply. Being willing is not enough; we must do." You have gathered together professionals from across the Commonwealth to give you a plan. So now I ask you our elected officials, are you willing to make the necessary difficult decisions and do what is necessary to save our Fire and EMS services from collapse.

We urge you to be strong and do the right thing in order to make the necessary fundamental changes to how Fire and EMS services are delivered across the Commonwealth of Pennsylvania.

I would like to thank you for giving me the opportunity to serve with such fine Professionals on this Commission and for your leadership and taking the time to support the emergency services in the Commonwealth. This ends my testimony and I am happy to answer any questions you may have at this time.

Government Support Subcommittee Members

Charles J. McGarvey, Chair, Lower Merion Township Fire Department

Steven Bair, Centre Region Council of Governments

Shirl Barnhart, Pennsylvania State Association of Township Supervisors

Patricia Berger - PA Legislative, Budget and Finance Committee

Andrew Boni, Pennsylvania State Association of Township Supervisors

James Carstater, Firemen's Association of the State of Pennsylvania

Jay Delaney, Pennsylvania Career Fire Chiefs Association

James Eley, Fayette City Volunteer Fire Company

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Kraig Nace, Duncannon/Perry County Emergency Medical Services

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Harold Whyel, Fayette County Firemen's Association (West)

Municipal Ideas for SR6 Commission

The solution rests with local government and it is all about leadership. Townships sometimes do not realize it is their responsibility to provide fire and EMS services. There are sometimes very poor relationships between the volunteer fire company that serves that Township and the Township Supervisors. The solution is most definitely not career firefighters. The solution is dialogue between township officials and VFC officials to better understand the barriers to being a volunteer firefighter and then finding ways to break down those barriers. Certainly, volunteer fire companies and municipal officials often resist closer relationships, usually through the fear of the unknown and/or the lack of trust. It takes hard work to build and maintain a trusting, supportive relationship between the VFC and local government. It is like a marriage, you have to work at it.

Several factors also enter in to the lack of a corresponding increase in volunteer firefighters.

- A lack of marketing on the part of the department leading to the perception that the local fire and EMS department is staffed full-time. TV and movies don't help with this!
- A weakening sense of community among the population in part because the department may not adequately reflect the diversity of people it serves.
- The ratio of men versus women in the fire service giving a misconception that a department is a "good old boys club."
- A lack of available or convenient entry-level fire and EMS training opportunities.

One key solution would be to provide joint municipal/VFC leadership training programs on communications, cooperation and coordination. While serving as a fire chief for 20, 25, 40 years is admirable, it can also lead to stagnation in the system and lack of growth. This also leads to favoritism, cliques, bullying, etc., which drives away volunteers willing to serve their community. We lose the feeling of the community and it becomes "his fire company". It happens in every community –It's a nationwide problem. Ask any long-serving chief and he'll deny those things take place in his station, but if they do, it's because "those people like stirring the pot." Many good people walk away while still in their prime because it's just not worth it anymore and they choose to redirect their focus in life. All parties need to look inward, face modern realities and confront some tough choices.

Legislative:

Seek legislation to provide funding for a statewide marketing effort to promote volunteerism and community support for recruitment and retention of all volunteer fire/ems service personnel.

Seek legislation to amend Section 3205(a)(8) of the Second Class Township Code to increase the cap for the dedicated ambulance real estate tax from .5 mils to 1.5 mils before a referendum is required, AND FURTHER, that the other municipal codes be similarly amended to increase the caps on the dedicated ambulance tax.

Seek legislation to amend the Workers' Compensation Act to clarify that all volunteers for Volunteer Fire Companies are covered under the act whenever they are engaged in FC activities.

Differentiate statewide training standards by risk environment: urban, suburban, rural and remote.

Seek legislation to restructure the Volunteer Relief Funding program (*Act 84 of 1968*) to return to the original program goal of providing certain minimum protection levels, such as basic personal protection equipment, to all volunteer emergency service providers.

Seek legislation to establish educational tuition credits for volunteer emergency service providers enrolled in undergraduate-level courses at a Pennsylvania university, community college, or trade school.

Support the use of customized permissible benefits spending programs by volunteer emergency service providers and municipalities as a tool to recruit and retain volunteers.
HB 1061 and SB 575 would address this.

Seek legislation to adopt a standard ID card for Pennsylvania emergency responders and appointed and elected officials to provide proof of their position.

Seek legislation to require insurance companies to reimburse volunteer fire companies and other emergency service providers for rescue services provided by these agencies on state and local roads, AND FURTHER, that reimbursement be based on the fair market value of the cost of performing these services, including depreciation and amortization of equipment used in these operations absent labor costs.

Seek legislation to provide a state income tax deduction for volunteer firefighters and fire police as defined by fire company bylaws and recognized by the supporting municipality.
HB 1600 would address this.

Seek legislation to provide a state income tax deduction for employers who allow active volunteer firefighter/hazmat/EMS personnel and fire police, as defined by fire company bylaws and recognized by the supporting municipality, to respond to emergencies during work hours.
HB 1600 would address this.

Seek legislation to restrict municipalities/employers from prohibiting public safety employees, contractors or subcontractors from volunteering public safety functions in other municipalities outside of work hours.

Seek legislation to review and re-balance statewide WC insurance fund (SWIF) to account for cancer presumption law and result in municipal savings.

Seek legislation to authorize townships to collect a municipal services fee from the state and federal governments for all state and federal facilities located within the township boundaries to

cover the costs of providing fire, ambulance, police, and emergency response services to those tax-exempt facilities.

Seek legislation to amend the Volunteer Firemen's Relief Associations Act (*Act 149 of 1968*) to establish criteria consistent with the intent of the act that would allow volunteer fire departments to use fire relief funds for the recruitment and retention of firefighters, AND that the state fire commissioner determine whether a proposed use of relief funds meets the established criteria.

In the volunteer time saving area, any department receiving less than \$15,000 (+/-) Foreign Fire Insurance is not required to get an audit every two years. Instead do a random audit, similar to the Fire Commissioners Grant.

To enhance a municipality's ability to coordinate and enhance accountability among emergency service providers, state funds for fire and EMS services should only be available to municipalities and they, in turn, would allocate funds based on performance of service agreements. It puts the onus for encouraging cooperation on the entity that is statutorily required to ensure the service is provided.

Policy Considerations

All townships should be audited for a "Need" or a basic necessary equipment guide – what are the basic tools/trucks that the township should have as a minimum.

Provide free training to volunteers including online options.

Townships should obtain a mandated standard state financial audit of all fire company monies every year. Townships could supply administrative support for the VFC financial records.

Fire companies should have a public and published Budget filed with the state (just like a Township has to file with the state each year). This would instill a uniform Budget throughout the state and year end tracking system which can be audited. This would also instill financial discipline in the fire companies.

The state should contract to an equipment manufacturer the "basic" fire truck – no bells and whistles – basic color, basic features and then sell it to volunteer fire companies –

To better quantify the number of personnel, nearly every fire company applies for the PA State Grant through the Fire Commissioner's office each year. It should be a very simple addition to the grant application to create a box where the fire company lists the number of active FIREFIGHTERS. Everyone is valuable, but in this case, we don't need to know how many fire police officers, administrative members or fund raising volunteers. We are only interested in the number of FIREFIGHTERS – those who could respond to a fire call at any given time. It could be as simple as "How many members have turnout gear"?

If the Volunteer Fire Companies can raise money via fund raising – the state should provide a PLIGIT or a Vanguard Fund where professional money managers can increase the yield on idle funds so that the money can work for the fire company instead of the deposit institution.

Municipality workers should have to respond to emergency during business hours, and assist in any way possible. Workers should be able to do this without being docked in pay. Most workers are already trained in flagging courses and have CDL licenses.

Response query..... in 1988 we averaged 35+ volunteers per fire call, and back then, the calls were fewer, but when we were called, it normally was something. Now we have more calls, but fewer volunteers showing up. However, do we need 35 members to show up for an automatic fire alarm at 11am on a weekday, or for a vehicle accident standby? Even though we have times where only 4-5 guys show up, that's been more than enough to handle the "emergency" at hand. If we need more, we "upgrade" and then others know it's "real" and then leave work or make accommodations to respond. But, when we say we are only getting 4-5 guys showing up, that makes it seem critically low, when in fact, we have 30 guys with gear and with today's technology, such as Iamresponding.com, members can view in real-time that sufficient members are responding and they can go about their business unless more help is needed.

Consider the creation of a countywide Public Safety Authority as a funding mechanism. Local determination would have to be balanced in any solution process. Creating a state "solution" would be too big and ineffective. Counties may be a way to assist in regional planning providing data on populations trends and economic data so that the "locals" are more effective.

Submitted by:

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