

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

HOUSE VETERANS AFFAIRS &  
EMERGENCY PREPAREDNESS COMMITTEE

STATE CAPITOL  
HARRISBURG, PA

IRVIS OFFICE BUILDING  
ROOM G-50

TUESDAY, FEBRUARY 18, 2020  
1:00 P.M.

PRESENTATION ON  
HOUSE BILL 1819  
STRENGTHENING FIRE AND EMS SERVICES THROUGH  
THE CREATION OF THE STATE FIRE COMMISSION

BEFORE:

HONORABLE STEPHANIE BOROWICZ  
HONORABLE TORREN ECKER  
HONORABLE FRANK FARRY  
HONORABLE MARK M. GILLEN  
HONORABLE TODD POLINCHOCK  
HONORABLE JIM RIGBY  
HONORABLE FRANCIS XAVIER RYAN  
HONORABLE CHRIS SAINATO, DEMOCRATIC CHAIRMAN  
HONORABLE JOE WEBSTER

\* \* \* \* \*

*Pennsylvania House of Representatives  
Commonwealth of Pennsylvania*

## ALSO PRESENT:

REPRESENTATIVE AUSTIN DAVIS

## COMMITTEE STAFF PRESENT:

RICK O'LEARY

MAJORITY EXECUTIVE DIRECTOR

SEAN HARRIS

MAJORITY RESEARCH ANALYST

LU ANN FAHNDRICH

MAJORITY ADMINISTRATIVE ASSISTANT

MIKE HILLMAN

DEMOCRATIC EXECUTIVE DIRECTOR

HALEN SAV

DEMOCRATIC RESEARCH ANALYST

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SUBMITTED WRITTEN TESTIMONY

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P R O C E E D I N G S

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REPRESENTATIVE FARRY: All right, folks, we're going to get started. Good morning. I'd like to call the hearing to order. I'd just like to remind everybody to silence their cell phones, and I'm going to ask former Navy pilot Representative Polinchock to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

REPRESENTATIVE FARRY: Good afternoon. My name is Frank Farry, and I chair the House Subcommittee on Security and Emergency Response Readiness. Chairman Barrar was unfortunately unable to be with us this afternoon, so I'll be chairing the hearing. The hearing today is on House Bill 1819 introduced by Representative Austin Davis, which would establish a State Fire Commission in Pennsylvania, which was one of the recommendations of the S.R. 6 report.

In advance, I would like to thank all of our panelists for taking the time out of your day to be here and testify.

Chairman Sainato, do you have any remarks?

DEMOCRATIC CHAIRMAN SAINATO: Thanks, Chairman

1 Farry. I do want to echo your comments, look forward to  
2 hearing Representative Davis's testimony on this important  
3 piece of legislation and look forward to all the  
4 testifiers. And I, too, would like to thank everyone,  
5 especially our Committee Members, for coming and for all  
6 the testifiers. Thank you for being here.

7 REPRESENTATIVE FARRY: I now ask the Members and  
8 staff to introduce themselves. We'll start with  
9 Representative Gillen.

10 REPRESENTATIVE GILLEN: State Representative Mark  
11 Gillen, Lancaster County.

12 REPRESENTATIVE ECKER: State Representative  
13 Torren Ecker representing Adams and Cumberland Counties.

14 REPRESENTATIVE RIGBY: State Representative Jim  
15 Rigby, Cambria and Somerset Counties.

16 REPRESENTATIVE POLINCHOCK: Representative Todd  
17 Polinchock from Bucks County.

18 REPRESENTATIVE RYAN: Frank Ryan representing  
19 Lebanon County, Pennsylvania.

20 MR. HARRIS: Sean Harris, Research Analyst for  
21 the Committee.

22 MR. O'LEARY: Rick O'Leary, Executive Director  
23 for the Committee.

24 MR. HILLMAN: Mike Hillman, Democratic Executive  
25 Director.

1           REPRESENTATIVE WEBSTER: Joe Webster representing  
2 Montgomery County. Good afternoon, everyone.

3           REPRESENTATIVE FARRY: Okay. And now we'll turn  
4 the floor over to Representative Davis, the author of this  
5 legislation.

6           REPRESENTATIVE DAVIS: Good afternoon, Chairman  
7 Farry, Chairman Sainato, Members and staff of the  
8 Committee, my fellow testifiers, and members of the public.  
9 It's an honor to speak in front of this Committee today on  
10 behalf of my legislation, House Bill 1819, that would enact  
11 one of the central recommendations of the S.R. 6  
12 Commission's report to create a State Fire Commission.

13           I'm State Representative Austin Davis, and I  
14 represent the 35th Legislative District. The communities I  
15 serve in southeastern Allegheny County are facing many of  
16 the same challenges in the delivery of fire and emergency  
17 medical services that we're witnessing across as  
18 Commonwealth. Some of the municipalities in my area rely  
19 heavily on volunteer firefighters and EMS personnel, while  
20 others have a paid fire department. Our tax bases cannot  
21 support our emergency services at the level we would like,  
22 and we struggle to recruit and retain volunteers.

23           I have followed the work of this Committee as  
24 it's passed more than 20 bills taken from the S.R. 6  
25 Commission's recommendations in 2018. These new programs

1 and changes to existing incentives are going to offer much-  
2 needed relief in many areas of pressure on our emergency  
3 services systems. However, the underlying problem is much  
4 bigger, and we need a comprehensive solution that will  
5 position us to continue to provide emergency services  
6 throughout the century. That is why my bill calls for a  
7 big structural change to the way that Pennsylvania  
8 prioritizes and organizes its support for emergency  
9 services.

10 About 25 years ago, the General Assembly created  
11 the Office of the State Fire Commissioner. That was its  
12 own a sea change in Pennsylvania's approach to  
13 firefighting. That office quickly became essential to  
14 volunteer fire companies around the Commonwealth. And as  
15 it stands today, it has taken on additional  
16 responsibilities and powers.

17 I want to take a moment to recognize the  
18 incredible dedication of the Fire Commissioners through the  
19 years, including the current sitting Commissioner Bruce  
20 Trego, who is here today. However, the additional demands  
21 being put on firefighters and EMS personnel, as we enter  
22 the 2020s, have simply stretched the Fire Commissioner  
23 beyond what he has been empowered to handle.

24 As the S.R. 6 Commission recognized, there are  
25 models in other States for how to take a 21st century

1 approach to managing our fire services, and we would be  
2 foolish to not study and learn from those systems. The  
3 S.R. 6 Commission did just that and recommended expanding  
4 the Fire Commissioner's office to a full-fledged Commission  
5 and consolidating all of the relevant programs and policies  
6 such as the Fire and EMS Grant Programs, the Volunteer Loan  
7 Assistance Program, and the Relief Financial Management  
8 under the purview of that Commission.

9           House Bill 1819 would accomplish those goals.  
10 Under my bill, the current Fire Commissioner would become  
11 the State Fire Chief and would chair the 13-member Fire  
12 Commission. In addition to the Chief, who is an expert in  
13 firefighting issues, the Commission would include the head  
14 of the Bureau of EMS and the Department of Health because  
15 the delivery of fire and EMS services is so closely  
16 intertwined.

17           Even though our problems are statewide, they  
18 manifest differently in different communities. To that  
19 end, the Commission must strike a balance between interests  
20 of urban, suburban, and rural areas. It must be nimble  
21 enough to offer regional solutions adaptable to large,  
22 widespread areas that are covered by volunteer firefighters  
23 in Jefferson County, without the challenges presented by  
24 the high-density housing of Lancaster, McKeesport, and  
25 other communities where paid departments are underfunded.



1 At the same time, the Commission must develop consistent  
2 but evolving training standards for all firefighters.

3 In order to achieve that balance, the Commission  
4 would include a member from each of the eight geographic  
5 regions roughly the same population. Those members would  
6 be required to include firefighters from paid, combination,  
7 and volunteer agencies, as well as ambulance and other  
8 rescue squad personnel from the paid and volunteer  
9 organizations.

10 I believe this bill is a good starting point for  
11 a discussion on how we move forward in terms of this  
12 particular S.R. 6 Commission recommendation. I appreciate  
13 the effort that the Members of this Committee and the  
14 members of our fire and EMS personnel have put into the  
15 S.R. 6 report in moving these pieces of legislation  
16 forward, so I thank the Chairman for holding this hearing  
17 today, and I look forward to working with each and every  
18 one of you as we move forward in this process.

19 And please allow me to apologize. I'm a Member  
20 of the Appropriations Committee, so I do have to leave to  
21 go back to budget hearings today, so please do not take  
22 that as a sign of disrespect that I have to slip out after  
23 my testimony.

24 And with that, that concludes, Mr. Chairman.

25 REPRESENTATIVE FARRY: Thank you, Representative.

1 Does anybody have any questions for Representative Davis  
2 before he heads back to the appropriations hearing? No?  
3 Okay. Thank you.

4 REPRESENTATIVE DAVIS: All right. Thank you.

5 REPRESENTATIVE FARRY: Our first panelist is our  
6 State Fire Commissioner Bruce Trego.

7 MR. TREGO: Good afternoon, Chairman Farry and  
8 Chairman Sainato, and all the Members of the House Veterans  
9 Affairs and Emergency Preparedness Committee. I'm Bruce  
10 Trego, the State Fire Commissioner, and I want to thank you  
11 for the opportunity to come here and offer our input on  
12 this very important House Bill 1819.

13 As was mentioned, the State Fire Commissioner's  
14 office has been around for quite some time and I will be  
15 the first to admit is in need of overhaul, updating,  
16 modification. And I think that was pretty evident in all  
17 the S.R. 6 recommendations. And so what I would like to do  
18 is take a look at some of the concerns that we have with  
19 1819 and maybe some recommendations, and an alternate way  
20 on some of those items that are in the bill.

21 REPRESENTATIVE FARRY: Mr. Trego?

22 MR. TREGO: Yes.

23 REPRESENTATIVE FARRY: Can you pull the mic a  
24 little closer?

25 MR. TREGO: How's that?

1 REPRESENTATIVE FARRY: Outstanding. Thank you.

2 MR. TREGO: Okay. So nothing was recorded prior,  
3 right? Sorry. I am a little soft-spoken, so I'll try to  
4 speak up and into the microphone for you, sir.

5 We reviewed House Bill 1819, and while we support  
6 many of the policies in this bill, we have some concerns as  
7 it is currently drafted. H.B. 1819 states the Commission  
8 will hold all of the powers and duties, while the State  
9 Fire Chief will oversee the office along with the  
10 Commission. Additionally, when the Commission votes on the  
11 issues related to their powers and duties, the Chief would  
12 only have a vote in the event of a tie.

13 Empowering the Commission to have authority  
14 rather than serving in an advisory role could create  
15 challenging situations for future Commissioners and Chiefs.  
16 Having the Commission serve in an advisory capacity would  
17 allow the Commissioner to continue serving the  
18 Commonwealth's fire service. The Commission would be able  
19 to provide the Commissioner with recommendations for the  
20 future of the fire service but provide the Commissioner  
21 with the authority to decide on the appropriate actions.

22 Section 7386 of Title 35 already establishes a  
23 Fire Safety Advisory Committee, which could serve to  
24 fulfill many of the objectives of this legislation. The  
25 Fire Safety Advisory Committee has not been utilized in

1 several years due to funding constraints that made it  
2 impossible to reimburse the travel and other reasonable  
3 expenses of the members, but the Office of the State Fire  
4 Commissioner is currently in the process of reestablishing  
5 this Committee.

6 As currently constructed, the Fire Safety  
7 Advisory Committee consists of the PEMA Director, State  
8 Fire Commissioner, two paid firefighters and one member of  
9 the public that are all appointed by the Governor, and four  
10 volunteer firefighters. One of the volunteer firefighters  
11 are appointed by each of the following individuals:

12 President pro temp of the Senate, Minority Leader of the  
13 Senate, Speaker of the House, and Minority Leader of the  
14 House of Representatives. The Committee would advise the  
15 Commissioner on matters pertaining to the operation of the  
16 State Fire Academy and any other matter that the  
17 Commissioner may request.

18 During recent meetings, leaders of the  
19 Commonwealth's fire community stated that, if utilized  
20 correctly, this committee would provide the voice that they  
21 seek on issues related to the fire service, while the  
22 composition of the Fire Safety Advisory Committee could be  
23 revised to better reflect the current environment of the  
24 Commonwealth's fire service. These changes would include  
25 representation from the combination fire companies whose

1 presence continues to increase throughout the Commonwealth.

2 H.B. 1819 would also shift the responsibility for  
3 firefighters' relief from the Department of Community and  
4 Economic Development to the State Fire Commission. The  
5 issue of relief funds is a major issue that will require  
6 additional attention outside of switching agencies. It is  
7 our view that we need take a holistic look at the  
8 firefighters' relief funds. This legislation needs to be  
9 rewritten and retooled so that it can better meet the needs  
10 of the firefighter community. The current program is so  
11 far removed from its original purpose that it is inadequate  
12 to meet its current intentions. Switching agencies for  
13 relief funds will only shift the problem, not solve the  
14 problem.

15 This bill requires the Office of the State Fire  
16 Commissioner to administer additional programs, supervise  
17 additional personnel, and implement new initiatives, but  
18 the bill provides no additional funding to carry out these  
19 responsibilities.

20 A few examples of these responsibilities are to  
21 oversee a statewide recruitment and retention coordinator,  
22 oversee a technical advisor for each of the eight  
23 geographic regions established in this bill, conduct  
24 inspections of fire companies, and administer the  
25 firefighters' relief funds. The Office of the State Fire

1 Commissioner does not currently possess the resources and  
2 personnel to take on all these initiatives.

3           Using the eight geographic regions that will be  
4 used to determine representation on the Commission and for  
5 the technical advisors could also be reexamined. First,  
6 some of the geographic regions are far too large and will  
7 require excessive amounts of traveling for someone to serve  
8 as a technical advisor. An example of this is region III,  
9 which extends from Franklin County the entire way up to  
10 Erie. PEMA uses a regional task force model for providing  
11 support to counties for for all-hazards preparedness and  
12 resource coordination. We believe that this model could  
13 also be used for the Commission.

14           Tasking the Commission to create a minimum  
15 standard of coverage would be beneficial for the  
16 Commonwealth fire services. These standards would ensure  
17 all firefighters within the Commonwealth have a basic level  
18 of knowledge. This minimum standard of coverage will  
19 improve firefighter safety and help incident commanders  
20 manage all firefighters that are responding to the scene of  
21 a fire.

22           So in summary, with some updates to the current  
23 Office of the State Fire Commissioner, we believe that we  
24 could address many of the issues outlined in the bill.  
25 Modification and proper utilization of the current Advisory

1 Board and supplementing funding and increased staffing  
2 would have better results.

3 I would like to thank Chairman Barrar, Chairman  
4 Sainato, and Members of the Committee, for your support of  
5 Office of the State Fire Commissioner and the fire services  
6 across the State. I appreciate the opportunity to appear  
7 here today, and I will try to answer any questions you  
8 might have.

9 REPRESENTATIVE FARRY: Thank you, Commissioner.

10 Before we move on to questions, Representative  
11 Borowicz, do want to introduce yourself?

12 REPRESENTATIVE BOROWICZ: I'm Representative  
13 Borowicz [inaudible].

14 REPRESENTATIVE FARRY: Thank you.

15 Do any of the Members have any questions for the  
16 Commissioner?

17 Representative Gillen?

18 REPRESENTATIVE GILLEN: I have a comment  
19 regarding the geographic issue, and I looked at the bill  
20 previously. Berks County has an urban core of over 400,000  
21 people, and then you go up to Potter County, which is --  
22 for many Berks Countians, I don't think they know where  
23 Potter County is unless they had a hunting cabin up there.

24 MR. TREGO: Right.

25 REPRESENTATIVE GILLEN: There's a significant

1 piece of geography there, so I would assert to you I  
2 support your comments relative to the large geographic  
3 regions.

4 And do you have a curative map or a different  
5 plan so that things aren't so spread out regarding the  
6 regions?

7 MR. TREGO: Yes. I think if we would use the  
8 regional taskforces as set up by PEMA -- I don't have that  
9 map with me, but I certainly can get it to you.

10 REPRESENTATIVE GILLEN: Thank you very much.  
11 Thank you, Mr. Chairman.

12 REPRESENTATIVE FARRY: Thank you. Commissioner,  
13 just one question. In terms of the staffing positions that  
14 were put in the budget -- I know I talked to you a few  
15 weeks ago -- how are we making out? I know it's a human  
16 resources situation. But --

17 MR. TREGO: The positions have been approved --

18 REPRESENTATIVE FARRY: Okay.

19 MR. TREGO: -- and we are now waiting for what  
20 they call the PAR, the personnel account request, personnel  
21 request. Job descriptions are done. We hope to be posting  
22 them within two weeks.

23 REPRESENTATIVE FARRY: Excellent. Very good.

24 MR. TREGO: So that would bring us three more  
25 people on board through the fireworks money.



1           REPRESENTATIVE FARRY: Yes. And for the Members,  
2 there were positions added into last year's budget for -- I  
3 guess it's two technical advisors and a recruitment  
4 retention coordinator --

5           MR. TREGO: Right.

6           REPRESENTATIVE FARRY: -- for the State, so we  
7 were able to staff up the Fire Commissioner's office, which  
8 is a good thing and much-needed.

9           No further questions? Thank you, Commissioner.

10          MR. TREGO: You bet.

11          REPRESENTATIVE FARRY: We are going to go out of  
12 order with the next panel because one of the speakers for  
13 the third panel actually has to get to work for tonight.  
14 So if we can have Dave Chiaramonte, President of  
15 Pennsylvania Professional Firefighters Association; and  
16 Adam Perreault, who's the Legislative Coordinator for the  
17 Allentown Fire Department, IAFF Local 302, come forward.  
18 And, gentlemen, you can begin when ready.

19          MR. CHIARAMONTE: Good afternoon. Thank you  
20 Chairman Farry, Chairman Sainato, and the Members of the  
21 Veterans Affairs an Emergency Preparedness Committee. I am  
22 Dave Chiaramonte, President of the Pennsylvania  
23 Professional Fire Fighters Association and retired Fire  
24 Lieutenant from the City of Erie.

25          The work that has been conducted by this

1 Committee shows a commitment to fire protection, one of the  
2 core governmental responsibilities.

3           Currently, minimum levels of training vary  
4 greatly from municipality to municipality and from  
5 department to department. This must change. There is no  
6 such thing anymore as a routine fire. The materials within  
7 our homes, businesses, and vehicles burn at hotter  
8 temperatures and create an extremely toxic environment.  
9 These conditions within a burning structure cause it to  
10 degrade rapidly, and training is paramount to keeping  
11 firefighters and the citizens we serve safe.

12           It is the position of the PFFFA that the  
13 Pennsylvania State Fire Commissioner should have always had  
14 the authority to implement and enforce minimum  
15 certification levels for firefighters, including those that  
16 serve our airports, our aircraft rescue firefighters within  
17 the Commonwealth. It appears that House Bill 1819 aims to  
18 do just that.

19           Members of the Legislature have asked the PFFFA  
20 for basic input about regionalization and standards of  
21 coverage within their district. We always welcome  
22 discussion on firefighting issues, but it is our belief  
23 that this should not be a bottom-up approach, but rather  
24 the Commissioner should advise and develop appropriate  
25 standards of coverage.

1           After looking at the membership of the proposed  
2 Fire Commission, we would like to see a guaranteed  
3 representation on the Commission. Many municipalities are  
4 struggling to provide fire protection to their citizens.  
5 It is in the interest of the citizens of those  
6 municipalities that we request a seat on the Commission as  
7 we currently sit on the Fire Service Advisory Commission.  
8 Thank you.

9           REPRESENTATIVE FARRY: Do you have anything?

10           MR. PERREAULT: Yes. Good afternoon. My name is  
11 Adam Perreault. I'm a representative of Local 302,  
12 Allentown firefighters, as well as a proxy today for Local  
13 22, Philadelphia firefighters for Chuck McQuilkin, who  
14 could not be in attendance.

15           We echo the PPFPA's sentiment as far as the  
16 standards of training. As the third-largest city in  
17 Pennsylvania, we are surrounded by volunteer townships and  
18 often rely on them for mutual aid responses due to the same  
19 fiscal constraint that everybody else is experiencing out  
20 there, whether it's townships trying to get people in for  
21 volunteerism or, you know, even paid departments, we also  
22 struggle to get manpower or whatnot. So we rely on mutual  
23 aid.

24           One of the issues we've always had was that  
25 there's no guarantee that that firefighter that's coming in

1 to back you up on a large-scale incident is going to be  
2 certified or qualified to even be on scene. And again,  
3 it's up to the township and municipality or the volunteer  
4 fire service to set that standard per volunteer group. So  
5 some of them have given us their word that they would send  
6 no unqualified personnel coming in, but we have to take it  
7 at face value.

8 Now, as a professional firefighter that has, you  
9 know, gone through fire academies and holds several  
10 certifications, I would like to know that the person that's  
11 going to be standing next to me possibly in a fire is going  
12 to be qualified to do that. Again, you know, we're in a  
13 State that you have to be certified and, you know, you have  
14 to maintain a certain level of standards with being a  
15 hairdresser, a barber. I don't see why, as a fire service,  
16 we don't maintain the same standards for something this  
17 critical in nature.

18 Again, we work with Lehigh County Special  
19 Operations. You know, their hazmat team, they have to be  
20 qualified to a certain level, and that should echo within  
21 just the normal fire response groups.

22 Also, I'd like to take this opportunity, too, to  
23 address the S.R. 6 package as a whole. We're trying to  
24 look at the -- have different avenues to retain and recruit  
25 volunteer firefighters. One thing that -- and I know this

1 Committee has not overlooked but is being overlooked is the  
2 mental health aspect of things, too, because if we're  
3 looking to invest in trying to retain and recruit people,  
4 we also need to send a message that mental health is also a  
5 priority of ours when these volunteers happen to see  
6 something or whoever. So I would like to -- hopefully, we  
7 could get a second consideration ran on House Bill 432, and  
8 that's ultimately something that needs to be addressed when  
9 we're talking about the S.R. 6-type package.

10 Any questions?

11 REPRESENTATIVE FARRY: Thank you, gentlemen.

12 Any Members have questions? Representative Ryan?

13 REPRESENTATIVE RYAN: First of all, my hats are  
14 off to you. And I'm a retired Marine. I just have to  
15 applaud you for everything you're doing. I can't  
16 conceivably imagine the level of difficulty and the  
17 education you need to be a firefighter, volunteer or  
18 professional firefighter.

19 The question I have for you is more of a 30,000-  
20 foot level. Do you think this Commission, if it gets  
21 passed as-is, will provide the State Fire Commissioner with  
22 the tools necessary to identify what we really need to do  
23 to solve the problem? I mean, we're seeing situations  
24 where the complexity of what you do in fighting a fire is  
25 second to none. When I was in the Marine Corps, we had

1 crash crew and fire rescue, and we're seeing some of the  
2 issues that are -- the long-term effects of people who  
3 fought those fires are dealing with. Do you think this  
4 Commission will help or make it more difficult or just kick  
5 the issue down the road again longer to the point where at  
6 some point in time the system fails?

7 MR. CHIARAMONTE: I believe that the Commission  
8 would be a good first step. I believe that reading House  
9 Bill 1819, if I've read it correctly, I believe that you're  
10 putting the pieces in place. You can't correct everything  
11 at one time.

12 REPRESENTATIVE RYAN: Okay.

13 MR. CHIARAMONTE: But if we step in and we start  
14 with the base and we work from there, it's not going to  
15 work -- maybe we'll develop the Commission, set it up, and  
16 find out that there's parts of it that don't work. You can  
17 always come back and modify it. But I think leaving the  
18 system the way it is is definitely going to short-sight and  
19 short the public and the firefighters that we serve.

20 REPRESENTATIVE RYAN: So you don't think it would  
21 be an impediment to getting something resolved but instead  
22 facilitate potentially?

23 MR. CHIARAMONTE: I think it would be a  
24 facilitation, yes.

25 REPRESENTATIVE RYAN: Okay. Thank you.

1           REPRESENTATIVE FARRY: Any further questions?

2 All right. Thank you, gentlemen. Hopefully, you have a  
3 quiet --

4           MR. PERREAULT: Thank you.

5           REPRESENTATIVE RYAN: -- shift tonight, Adam.

6           MR. PERREAULT: Yeah, we'll see. Hopefully.

7           REPRESENTATIVE FARRY: All right. We're back on  
8 track with the panels. If we can have Dylan Ferguson, the  
9 Director of the Bureau of EMS for the Commonwealth come  
10 forward.

11           MR. FERGUSON: Good afternoon, Chairman Farry,  
12 Chairman Sainato, and Members of the Committee. I'm Dylan  
13 Ferguson, and I currently serve as the Director of the  
14 Bureau of Emergency Medical Services with the Pennsylvania  
15 Department of Health.

16           I've had the opportunity to be involved in EMS  
17 and fire issues for the course of the last 15 years, and  
18 I've had the honor of serving as Pennsylvania's State EMS  
19 Director for the last two. I'd like to thank you all for  
20 the opportunity to provide testimony here today as it  
21 relates to House Bill 1819, which would create the  
22 Pennsylvania State Fire Commission under the leadership of  
23 the proposed position of the State Fire Chief.

24           The Department of Health, specifically through  
25 the Bureau of EMS, has enjoyed a very collaborative working

1 relationship with the Office of the State Fire Commissioner  
2 for many years. Our respective offices, while having at  
3 times very different roles, functions, and  
4 responsibilities, have a great respect for one another. It  
5 is this respect and collaboration that has led to such  
6 successful programs such as the Joint Pennsylvania Rescue  
7 program, otherwise known as the Voluntary Rescue Services  
8 Recognition program or VRSR for short. This program was  
9 last articulated in a memorandum of understanding between  
10 our respective offices last in 2011.

11 House Bill 1819 is a byproduct of the work done  
12 on the Senate Resolution 6 Commission. The Department of  
13 Health has been and will continue to be very supportive of  
14 the various pieces of legislation that have been introduced  
15 as a result of S.R. 6 and will continue to work to support  
16 the mission of propelling emergency services forward  
17 throughout the Commonwealth and in working to ensuring a  
18 sustainable future.

19 As it relates to House Bill 1819 specifically and  
20 the general concept of the formation of a Fire Commission  
21 for the purposes of providing oversight and coordination of  
22 fire-related activities, the Department of Health defers  
23 the task of providing specific commentary on that topic to  
24 the current Office of the State Fire Commissioner and the  
25 fire departments across Pennsylvania. Allowing the State



1 Fire Commissioner and fire departments to provide input  
2 will mirror the process that EMS agencies and organizations  
3 took to construct their structure in 1985, and again in  
4 2009 with the passage of Act 37.

5 The Department appreciates that the proposed  
6 legislation provides for EMS representation on the  
7 Commission with the appointment of both the EMS Bureau  
8 Director and representation of both a volunteer and a  
9 career ambulance or rescue organization. Particularly,  
10 because, as proposed, the Commission would be responsible  
11 for administration of both the Volunteer Fire and EMS Grant  
12 Program, and the Volunteer Loan Assistance Program, or  
13 VLAP. These are programs that financially impact emergency  
14 medical services agencies throughout our Commonwealth and  
15 are areas that the Department currently provides  
16 information and consultation to the Office of the State  
17 Fire Commissioner, including representation on the current  
18 Vehicle Funding Review Committee for the VLAP program.

19 As the State's lead EMS agency, we stand at the  
20 ready to provide whatever assistance, support, and  
21 information we can to assist the General Assembly and  
22 specifically this Committee in ensuring the continued  
23 provision of high-quality emergency services throughout our  
24 State.

25 I want to again thank you for the opportunity to

1 testify before you today, and I'd be happy to take any  
2 questions you may have.

3 REPRESENTATIVE FARRY: Questions from any of the  
4 Committee Members? Okay.

5 MR. FERGUSON: Thank you, Mr. Chairman.

6 REPRESENTATIVE FARRY: Thank you.

7 And we are actually combining our last two  
8 panels. So we have Chas McGarvey, who is the Chief Fire  
9 Officer and Fire Marshal for Lower Merion Township; Jay  
10 Delaney, who is the Fire Chief of Wilkes-Barre and also the  
11 President of the Pennsylvania Career Fire Chief's  
12 Association; and Steve Bair, who is the Chief of Regional  
13 Fire Protection in State College. And he is also here in  
14 the capacity of President of the Pennsylvania Fire and  
15 Emergency Services Institute.

16 Gentlemen, begin when ready.

17 MR. MCGARVEY: Good afternoon. My name is Chas  
18 McGarvey, and I'm the Chief Fire Officer of the Township of  
19 Lower Merion Fire Department. I've also had the pleasure  
20 to serve on the S.R. 6 Commission, specifically as the  
21 Chair of the S.R. 6 Government Support Subcommittee.

22 Before I begin my testimony, I do want to express  
23 my sincere disappointment with Representative Jason  
24 Ortitay's proposed legislation to eliminate the Office of  
25 the State Fire Commissioner. This proposition disregards

1 everything that the Members of the Commission have worked  
2 so hard to complete over the past two years in an effort to  
3 begin to address the very real needs and issues of the  
4 Commonwealth's Fire and EMS services. It is my sincere  
5 hope that all of you will work to defeat this ill-advised  
6 proposed legislation.

7           With that said, I'd like to begin by first  
8 thanking Chairman Farry, Chairman Sainato, and all the  
9 Members of the Veterans Affairs and Emergency Preparedness  
10 Committee for inviting me back to testify before you  
11 regarding the work of the Government Support Subcommittee,  
12 specifically in reference to Recommendation 5 and House  
13 Bill 1819.

14           As I have testified previously, we are down to  
15 less than 38,000 volunteers today from over 300,000 in the  
16 1970s. As we continue to lose volunteers, our fire and EMS  
17 companies become more and more stressed, and I believe the  
18 opportunity being presented today is a great beginning to  
19 help remedy the crisis we face.

20           First and foremost, let me begin by saying that I  
21 fully support the creation of an Independent State Fire  
22 Commission, as recommended by the Government Support  
23 Subcommittee to the S.R. 6 Commission, and put forth in the  
24 final report as recommendation number 5. I further believe  
25 that the final legislation to be passed should mirror

1 Recommendation 5 as closely as possible, as it was  
2 developed by fire service professionals from across the  
3 State. I also agree that the membership of this Commission  
4 should be representative of the Commonwealth as a whole and  
5 should be comprised of members from the three types of fire  
6 services that serve our Commonwealth, namely the volunteer,  
7 the combination and the career fire services.

8           House Bill 1819 is a start on the right path, but  
9 I do have some concerns with its current format, and I  
10 believe that many of my colleagues share this same opinion.  
11 House Bill 1819 creates eight geographical regions across  
12 the Commonwealth and includes as members Representatives  
13 from business and industry, a certified architect  
14 representative, and an insurance representative. I  
15 question the necessity of these last three positions, as  
16 the duty of this Commission should be focused on the  
17 administration, training, standards and performance of our  
18 fire service. I don't see how these positions will be able  
19 to complement this Commission. However, if it is  
20 determined that these positions are necessary, I would  
21 recommend that they be nonvoting members whose sole purpose  
22 would be to provide support and guidance.

23           House Bill 1819 calls for the Commission to meet  
24 twice a year. I know in serving on the S.R. 6 Commission  
25 we found ourselves meeting a lot more than was originally

1 anticipated. I would recommend meeting quarterly,  
2 especially in the onset.

3           The proposed bill asks for an annual report to be  
4 completed by January 31st. My recommendation would be to  
5 give the Commission till the end of March to put together  
6 their annual report. I can tell you in doing my report for  
7 the township, it takes a few months to complete, and I  
8 don't think a month will allow for enough time to prepare a  
9 thorough and comprehensive report.

10           House Bill 1819 also proposes the creation of a  
11 Fire Safety Advisory Committee that is to advise the Fire  
12 Commissioner, or Chief as proposed in this bill, on the  
13 operation of the State Fire Academy. I don't think this is  
14 necessary, as we will have a Commission in place to handle  
15 such things. I also disagree with the proposed makeup of  
16 the Fire Service Advisory Committee, as the leaders of our  
17 fire service, namely the Chief Fire Officers, aren't  
18 represented on this advisory committee at all.

19           In addition, there are other duties named  
20 throughout the bill that the Commission would become  
21 responsible for such as administering the Volunteer Loan  
22 Assistance Program, administering the Fire Company Grant  
23 Program, administering the firefighter's relief funds and  
24 the use of these funds, overseeing a statewide recruitment  
25 and retention coordinator, and overseeing technical

1 advisors for the geographical districts. It is my belief  
2 that these duties should remain as duties of the State Fire  
3 Commissioner or Chief and not the Commission. The  
4 Commissioner would be responsible to update the Commission  
5 on the administration of these programs, but ultimately  
6 these duties should be administered by the Commissioner.

7           Lastly, the title of the State Fire Commissioner  
8 should not change to State Fire Chief. In the fire  
9 service, the title of Commissioner in most areas outranks a  
10 Chief. The Chief is also more of an operational role  
11 within the fire service, and therefore, the title should  
12 remain as currently titled, State Fire Commissioner.

13           In closing, I want to thank you once again for  
14 providing me with the opportunity to come before you and in  
15 taking the time to support the Fire and EMS emergency  
16 services in our Commonwealth. This ends my report, and I'd  
17 be happy to answer any questions you may have.

18           MR. DELANEY: Chairman Farry, Democratic Chair  
19 Chris Sainato, and Members of the House Veterans Affairs  
20 and Emergency Preparedness Committee, thank you for  
21 inviting me here today to discuss House Bill 1819. I'm the  
22 Fire Chief of the city of Wilkes-Barre. I've been honored  
23 to serve the city in that role for over 14 years and a  
24 total of 39 years in emergency services. I'm also the  
25 Emergency Management Coordinator for the city of Wilkes-

1 Barre and a certified paramedic. In addition, I'm the  
2 President of the Pennsylvania Career Fire Chiefs  
3 Association representing career and combination Fire Chiefs  
4 from across the Commonwealth.

5 From January 23rd, 2017, to November 30th, 2018,  
6 I had the honor to serve on the Senate Resolution 6  
7 Committee. During this nearly two years, the 39-member  
8 Commission was made up of major fire & EMS organizations,  
9 elected officials, and leaders throughout the Commonwealth.  
10 During this time, the committee came up with 92  
11 recommendations that were triaged down to the final 27  
12 recommendations. Subcommittees were formed. Most of my  
13 work was done with the Government Support Committee under  
14 the Chairmanship of Chief Chas McGarvey from Lower Merion  
15 Township Fire Department.

16 During our work and investigation, we felt a need  
17 to update the model for the State Fire Commissioners  
18 Office, namely creating a Fire Commission. S.R. 6,  
19 Recommendation 5, clearly states the following: The Office  
20 of State Fire Commissioner would be clearly designated as a  
21 lead agency for fire service in the Commonwealth. The new  
22 State Fire Commission should be created. The State Fire  
23 Commission would set minimum standards to be followed by  
24 all companies and departments in the Commonwealth.

25 The Office of State Fire Commissioner would be

1 responsible for grant administration. The Office of State  
2 Fire Commissioner would be responsible for the State Fire  
3 Academy. Data collection and analysis of the statewide  
4 fire experience and system conditions must be collected on  
5 an ongoing basis, fire prevention measures and  
6 improvements, along with the administration of the  
7 firemen's relief funds, also provide technical assistance  
8 directly to fire departments, and be authorized to take  
9 corrective deficiencies related to statewide minimum  
10 standard of cover.

11           House Bill 1819 is an excellent start to follow  
12 the Senate Resolution 6, Recommendation 5. We are thankful  
13 to Representative Davis and all of the House Bill 1819  
14 cosponsors to date. We would respectfully request the  
15 following considerations to H.B. 1819: The first is to  
16 remove State Fire Chief and keep the position State Fire  
17 Commissioner. Also, the creation of an independent Fire  
18 Commission is directly supported by Senate Resolution 6,  
19 Recommendation 5, and is supported by the Pennsylvania  
20 Career Fire Chiefs Association.

21           The independent Fire Commission should only have  
22 a membership supported by fire and EMS members. Private  
23 industry representation should not be part of the  
24 independent Fire Commission.

25           The creation of a Fire Safety Advisory Committee



1 should have greater representation of combination fire  
2 departments. Both career and volunteer firefighters would  
3 be part of the makeup of the proposed Fire Safety Advisory  
4 Committee. Fifty percent of the membership of the  
5 Pennsylvania Career Fire Chiefs Association are combination  
6 fire departments. The current trend in the fire service is  
7 combination fire departments as the demand for fire  
8 services increases. We propose adding one or two members  
9 from combination fire departments to the Advisory  
10 Committee.

11 This concludes my testimony today. I am grateful  
12 to the House Veterans Affairs and Emergency Preparedness  
13 Committee for the opportunity to add my voice and that of  
14 the Pennsylvania Career Fire Chiefs Association membership.  
15 Thank you.

16 MR. BAIR: Thank you, Chairman Farry, Chairman  
17 Sainato. Good afternoon. I'm Steve Bair. I'm Chief of  
18 the Regional Fire Protection Program of the Centre Region  
19 Council of Governments in State College, and I'm Board  
20 President of the Pennsylvania Fire and Emergency Services  
21 Institute. I began my fire service career as a volunteer  
22 here in suburban Harrisburg in 1975, and in very early 2007  
23 I left my industrial career to begin my career as a Fire  
24 Chief in State College.

25 Ours is a regional program providing primary

1 protection to five municipalities and the University Park  
2 Campus of Penn State. We have four career personnel, 93  
3 volunteers, and we protect approximately 93,000 people in  
4 an area of about 104 square miles, responding to about  
5 1,200 incidents annually. Our service is essentially the  
6 city of Allentown with a volunteer fire department. And in  
7 addition to the fire protection duties, our program  
8 includes local emergency management, Fire Marshals focused  
9 on investigations, and we manage and staff the Penn State  
10 Hazmat Team.

11 I was honored to be a member of the S.R. 6  
12 Commission representing the Pennsylvania Association of  
13 Councils of Government, and I appreciate this opportunity  
14 to testify on the efforts to restructure the Office of the  
15 State Fire Commissioner. I thank Representative Davis and  
16 the cosponsors of House Bill 1819 for their interest in,  
17 and assistance to, the Pennsylvania Fire Service.

18 My testimony today is focused on three elements  
19 of House Bill 1819: the creation of the independent State  
20 Fire Commission, the creation of the Fire Safety Advisory  
21 Committee, and the nomenclature used to identify the agency  
22 executive.

23 I support the creation of an independent State  
24 Fire Commission, as recommended in the S.R. 6 report, which  
25 is Recommendation 5, and I agree its membership should be

1 constructed in such manner to provide voice-of-the-customer  
2 from the whole of Pennsylvania Fire Service. The  
3 challenges facing the fire service are complex, and  
4 understanding these challenges in enough detail to address  
5 them can be a daunting task for individual legislators.

6 The solutions to address these challenges are  
7 also daunting, as they also often involve technical  
8 details, resource modeling, everchanging conditions, and  
9 very specific localized needs. The S.R. 6 report  
10 repeatedly reminds its readers that Pennsylvania is not,  
11 nor will become, a one-size-fits-all enterprise.

12 House Bill 1819 in its current form provides fire  
13 service representation from eight geographic regions, with  
14 each region including approximately one-eighth of the  
15 Commonwealth's population. The remaining three voting  
16 members of the Commission are representative of business  
17 and industry, a certified architect representative, and an  
18 insurance industry representative.

19 The scope of the Commission's duties as described  
20 in this bill are directly focused on fire service  
21 performance, training, and administration. They are not  
22 focused on related elements such as building codes.  
23 Therefore, I believe a better voice-of-the-customer process  
24 and hence better outcomes will be achieved by modifying  
25 this bill to have all voting members representing the fire

1 service with those members drawn from perhaps 10 geographic  
2 regions, each region representing approximately one-tenth  
3 of the Commonwealth's population.

4 Business and industry, design professionals, and  
5 the insurance industry are already amply represented to the  
6 Legislature. The fire service has considerably less  
7 opportunity to participate in the legislative process,  
8 which was the impetus for creating the Office of the State  
9 Fire Commissioner.

10 In addition to the State Fire Commission, House  
11 Bill 1819 proposes establishment of a Fire Safety Advisory  
12 Committee. The stated charge of this committee is to  
13 advise the Commissioner -- or Chief, as the defined  
14 nomenclature within the bill -- on matters pertaining to  
15 the operation of the Pennsylvania State Fire Academy. This  
16 appears to conflict with the charge of the Commission to  
17 oversee the Pennsylvania State Fire Academy, and I am  
18 concerned that the fire academy could find itself trying to  
19 serve multiple masters, each with differing directives,  
20 guidance, and priorities. I believe this bill would be  
21 strengthened by eliminating the Fire Safety Advisory  
22 Committee component.

23 My final suggestion to improve this bill is to  
24 retain the title of Commissioner rather than adopt the term  
25 Chief to identify the agency executive. Within the fire

1 service generally, a Chief is subordinate to a  
2 Commissioner, and a Commissioner usually has a broader  
3 scope of duties than those of a Chief. I believe the  
4 proposed change in nomenclature will likely create more  
5 confusion and uncertainty rather than clarity.

6 This concludes my testimony on House Bill 1819,  
7 and thank you for providing me this opportunity to express  
8 my opinions.

9 REPRESENTATIVE FARRY: Thank you, gentlemen.

10 Chief McGarvey, we have some good news. The --

11 MR. MCGARVEY: Thank you.

12 REPRESENTATIVE FARRY: -- cosponsor memo that was  
13 filed that you mentioned in your testimony was pulled from  
14 the system after only being in for a day and a half, so --

15 MR. MCGARVEY: Thank you.

16 REPRESENTATIVE FARRY: -- hopefully, that issue  
17 is dead.

18 Before we go to Members with questions, I'd like  
19 to turn it over to Executive Director Hillman. I think he  
20 has a clarifying point on the legislation.

21 MR. HILLMAN: Thank you, Mr. Chairman. Yes, I  
22 actually have more good news for you all. The Fire Safety  
23 Advisory Committee, as you may have heard from the Fire  
24 Commissioner, already exists. It's been in law for several  
25 years. I'm not sure how long. This bill would actually

1 remove that Committee altogether and sort of promote those  
2 members into the Commission. That's the structure of the  
3 bill, which could be confusing. I know we do this on a  
4 daily basis, but the brackets and the lines-through and all  
5 that, it can be hard to follow. So this would not create a  
6 Fire Safety Advisory Committee. It would actually  
7 eliminate the existing one in favor of the Commission.

8 MR. MCGARVEY: Excellent.

9 MR. HILLMAN: And if I may just ask one question  
10 on the Chief Commissioner point. Because we would be  
11 expanding this to be a Commission where each member would  
12 be arguably titled a Commissioner, that's why we made the  
13 choice in the bill to call one of them the Chief. Do you  
14 have any insight into how we could maybe do that  
15 differently? Could it just be the Chair of the Commission  
16 or any way to distinguish who would be the head of that  
17 group?

18 MR. MCGARVEY: I think you could just leave, you  
19 know, the State Fire Commissioner as a Commissioner and  
20 everyone else are Deputy Commissioners. I mean, that's  
21 kind of in the rank structure of the fire service. You  
22 have your Chief, your Deputy Chief, so it would stay  
23 consistent. And as Chief Bair said, it doesn't muddy the  
24 waters up.

25 MR. DELANEY: And just as another case in point,

1 with the Pennsylvania Fish and Boat Commission and the  
2 Pennsylvania Game Commission, they have Commissioners, and  
3 each of them have an Executive Director.

4 REPRESENTATIVE FARRY: All right. Representative  
5 Ryan?

6 REPRESENTATIVE RYAN: Actually, you answered the  
7 question. [inaudible] actually pulled it within a day, and  
8 he said it was circulated in error. So I just wanted to  
9 make sure it was clearly known.

10 MALE SPEAKER: Thank you.

11 REPRESENTATIVE FARRY: Do we have any questions  
12 from any other Members?

13 Okay. Well, thank you, gentlemen. You're  
14 actually our last panel, so since we're fairly ahead of  
15 schedule and we have representatives of EMS and the fire  
16 service here, do any Members have any general questions  
17 regarding fire or EMS? No? Okay.

18 Well, thank you. Thank you to all the  
19 testifiers.

20 MALE SPEAKER: Thank you.

21 REPRESENTATIVE FARRY: We appreciate you taking  
22 the time to be here. And I think the testimony was fairly  
23 consistent in terms of some proposed changes that probably  
24 need to be made to this bill, so we appreciate your input.

25 MALE SPEAKER: Thank you.

1                   REPRESENTATIVE FARRY: Thank you. This concludes  
2 the hearing.

3

4

(The hearing concluded at 1:48 p.m.)



1                   I hereby certify that the foregoing proceedings  
2 are a true and accurate transcription produced from audio  
3 on the said proceedings and that this is a correct  
4 transcript of the same.

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