

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LABOR AND CIVIL SERVICE

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, October 11, 2012
1:00 p.m.

PRESENT:

COUNCILMAN JAMES KENNEY, CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

RESOLUTION 120568 - Resolution authorizing the
Committee on Labor and Civil Service to hold
public hearings reviewing past and ongoing
external evaluations of the Philadelphia Fire
Department's management, operations,
structure, system performance and service...

- - -

1

2

COUNCILMAN KENNEY: Good

3

afternoon. We'd like to get the hearing

4

started.

5

I'd just like to make an

6

announcement, that there's no need for a

7

quorum present. We're not voting on a

8

piece of legislation. This is an

9

informal hearing to study a specific

10

issue, and we're going to get started. I

11

hope that Councilmembers will come in as

12

we go on.

13

I just have an opening

14

statement I'd like to read into the

15

record.

16

The City's Home Rule Charter

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stipulates that the role of City Council

18

is one of oversight of the activities of

19

the executive branch and the operating

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departments. The purpose of this

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hearing, as stated in Resolution 120568,

22

is to discuss whether the City's safety

23

and communications policies are adequate

24

to protect our firefighters and citizens

25

in the event of a fire.

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2 An additional goal of this
3 hearing is to flesh out whether those
4 policies and procedures were followed on
5 the night of April 9th, 2012. That
6 night, there was a five-alarm fire in the
7 Kensington neighborhood, and two of our
8 heroes, Lieutenant Robert Neary and
9 Firefighter Dan Sweeney, were killed.

10 In the city where Benjamin
11 Franklin founded one of the first fire
12 departments, we honor our fallen
13 firefighters by periodically assessing
14 our city's policies and our actions, and
15 in doing so, we pledge to proactively
16 protect the firefighters who protect our
17 city.

18 That said, there are several
19 matters that will obstruct this
20 Committee's investigation. They include
21 an ongoing grand jury investigation,
22 being led by our District Attorney's
23 Office; possible litigation by the
24 families of the firefighters; code
25 enforcement complaints filed by the City

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2 against the owners of one of the
3 buildings involved in the fire; and an
4 investigation of the fire, led by the
5 National Institute for Occupational
6 Safety and Health, which will have its
7 report completed in December of this
8 year.

9 In light of these very real and
10 legitimate obstacles, we will talk about
11 as much as we can here today. While we
12 expect that some specific information
13 about the fire may not be discussed, we
14 are relying upon the Administration for
15 information about its policies and
16 procedures.

17 My staff has appropriately
18 asked for factual and procedural
19 information from both the Department of
20 License and Inspections and the Fire
21 Department, but it was not received. I
22 hope that we were able to get some of
23 those questions -- I hope we will be able
24 to get some of those questions answered
25 today.

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2 I'd just like to say that into
3 the future, first responders, sadly, are
4 going to be killed in the line of duty.
5 I think it's something that we can't
6 avoid, but I think it's the
7 responsibility of this government to make
8 sure that we review these incidents to
9 see what we can put in place to limit
10 that possibility in the future.

11 We have serious concerns about
12 the relationship between License and
13 Inspections and the Fire Department, what
14 knowledge is available to our
15 firefighters when they begin a run and
16 they're going to a fire scene, the
17 communications responsibilities on the
18 fire ground, a number of things that are
19 not specifically related to this
20 particular fire or this particular
21 investigation by the grand jury, but are
22 related to our responsibilities as
23 members of the Labor and Civil Service
24 Committee to put in place things that
25 protect our workers. And firefighters,

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2 police officers, and other City workers
3 deserve all of our attention when it
4 comes to trying to put these procedures
5 and policies in place.

6 Also, Councilman O'Brien is
7 here, Councilman Goode. If they want to
8 add anything to say, we'd be happy to get
9 that on the record too.

10 Councilman O'Brien.

11 COUNCILMAN O'BRIEN: I would
12 like to thank my colleague Councilman
13 Kenney for having these important
14 hearings.

15 And, Commissioner, I appreciate
16 your coming all the way up from Florida
17 to talk about this important issue.

18 I have an outline of some
19 questions I would ask that the Fire
20 Department, that the City officials
21 respond to.

22 And I'm sure that you're
23 familiar, Commissioner, with the National
24 Fire Protection Association. And just by
25 definition, it's an organization which is

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2 the standards-writing organization
3 founded in 1896 and dedicated to the
4 concept of voluntary consensus standards
5 writing. While it is not an enforcing
6 agency, NFPA enjoys a unique reputation,
7 and its standards have been adopted by
8 all levels of government, in many cases
9 giving the standards the force of law.

10 Each NFPA standard undergoes
11 revision every five years to ensure that
12 it is kept current with new fire
13 protection knowledge and technologies.
14 The NFPA process is open and anyone can
15 participate.

16 The National Institute for
17 Occupational Safety and Health, NIOSH, is
18 the United States federal agency
19 responsible for conducting research and
20 making recommendations for the prevention
21 of work-related injury and illness.
22 NIOSH is part of the Centers for Disease
23 Control and Prevention, CDC, within the
24 United States Department of Health and
25 Human Services.

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2 NIOSH has a firefighter
3 fatality investigation and prevention
4 program. Each year an average of 100
5 firefighters die in the line of duty. To
6 address this continuing national
7 occupational fatality problem, NIOSH
8 conducts independent investigations of
9 the firefighter line-of-duty deaths and
10 issues substantial reports with
11 recommendations.

12 I have questions that,
13 Commissioner, I would like you to answer
14 and other City officials. One, it has to
15 do with training. What is the role of
16 NFPA? Does the Philadelphia Fire
17 Department adhere to these standards?
18 How much of the Fiscal Year '12 budget
19 was spent on training? How often does
20 officer development training occur? Is
21 the Philadelphia Fire Department training
22 in line with NFPA standards? We request
23 a dossier of all training logs for the
24 last three years.

25 Vacant commercial properties.

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2 Are you familiar with the December 1999
3 Worcester 6 fire of Massachusetts? Are
4 you familiar with the 2010 fire in
5 Chicago killing two and injuring 19
6 firefighters? Did you read the National
7 Institute of Occupational Safety and
8 Health, NIOSH, reports from those tragic
9 events? Both reports recommend fire
10 departments and building departments, our
11 L&I, to work together and identify and
12 mark abandoned buildings that present
13 hazards to firefighters and the public.

14 Have you advocated for
15 implementation of these recommendations
16 in Philadelphia, a city with two dozen
17 large, abandoned warehouse-type
18 buildings?

19 And, finally, the issue of
20 workplace injury. I would like to know
21 from our City officials what happens
22 after a firefighter returns to his job
23 after an injury and do they go back to
24 the same firehouse.

25 I will furnish these questions

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2 to those that are going to present
3 testimony today, and if these questions
4 are not responded to, I would
5 respectfully request that the
6 Administration respond in writing to the
7 Committee being held by my colleague, Jim
8 Kenney.

9 COUNCILMAN KENNEY: Thank you
10 for your questions and your comment.

11 Just so you understand, we did
12 invite most of the Administration to be
13 here today. They have declined. Deputy
14 Commissioner Resnick, Deputy Commissioner
15 for Public Safety, will read a statement
16 after we have this PowerPoint
17 presentation, and we'll go from there.

18 We have asked a lot of these
19 questions in writing over the course of
20 preparing for this hearing and have not
21 been responded to. So you want to put
22 yours in writing and send them on to the
23 Mayor, that will be helpful, but we're
24 going to try to get through this with the
25 information that we're given.

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2 COUNCILMAN O'BRIEN: Thank you,
3 Councilman.

4 COUNCILMAN KENNEY: And also
5 we've been in consultation with the
6 District Attorney's Office, who is
7 conducting the grand jury investigation,
8 and have promised them and will keep that
9 promise that any issues that we get close
10 to interrupting or in any way obstructing
11 or harming the investigation, we will not
12 ask those questions, because they're
13 doing their work and they're doing it
14 well. We, again, want to deal with
15 policies and procedures to keep our folks
16 safe.

17 So with that, I'd like to take
18 the opportunity to welcome Michael
19 Bresnan from the Philadelphia Fire
20 Department; former Commissioner Roger
21 Ulshafer; Vincent Dunn, who is a retired
22 Deputy Chief out of FDNY. And
23 Mr. Resnick is also on the list, but
24 he'll come up after the PowerPoint.

25 So please identify yourselves

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2 for the record. If there's any
3 particular background or experience that
4 you want to get on the record as far as
5 your experience, especially Chief Dunn,
6 talk about some of your history, that
7 would be helpful too, but I'd like you
8 all to introduce yourselves first and
9 then whoever is going to walk through the
10 PowerPoint can proceed.

11 So welcome, Commissioner
12 Ulshafer.

13 COMMISSIONER ULSHAFFER: My name
14 is Roger Ulshafer. I'm former Fire
15 Commissioner. I was with the City for
16 over 33 years, held every rank, held all
17 the staff jobs, Chief of Fire Prevention,
18 Chief of Investigation, Chief of
19 Administration, Chief of both divisions.
20 I was also the Deputy Commissioner for
21 Operations, which was in charge of
22 firefighting and EMS training, HAZMAT.
23 And I was the Fire Commissioner here from
24 1988 until July of '92.

25 I went to Cherry Hill and took

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2 eight different fire districts there and
3 we made -- from seven, we made one, which
4 was a model of consolidation.

5 For the last 20 years, I've
6 been a consultant on the national and
7 international fire service, and during my
8 career as an Incident Commander, I
9 handled hundreds and hundreds of major
10 fire emergencies with the Incident
11 Command System.

12 COUNCILMAN KENNEY: Chief Dunn,
13 would you please identify yourself and
14 any background you'd like to add.

15 CHIEF DUNN: Good afternoon.
16 My name is Vincent Dunn. I'm a former
17 Deputy Chief, New York City Fire
18 Department, 42 years experience. I am an
19 Adjunct Professor at John Jay College,
20 City University of New York. I teach a
21 course on firefighting strategy. I'm an
22 author of four books. One is titled
23 "Collapse of Burning Buildings." I'm a
24 contributing editor for the last 30 years
25 in a magazine called Firehouse Magazine,

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2 and it's an article -- column on safety
3 and survival on the fire ground. I'm a
4 consultant with NIOSH, National Institute
5 for Standards and Technology, and when
6 they do an investigation, I contribute my
7 recommendations when it comes to a
8 building collapse.

9 COUNCILMAN KENNEY: Thank you,
10 Chief.

11 Identify yourself for the
12 record, please. I know you have a vocal
13 problem today, Mr. Bresnan.

14 MR. BRESNAN: My name is Mike
15 Bresnan, Recording Secretary, Local 22.

16 MR. ELTMAN: My name is Jack
17 Eltman, the Sergeant-At-Arms, Local 22,
18 International Association of
19 Firefighters.

20 COUNCILMAN KENNEY: Who is
21 going to be conducting the PowerPoint?

22 Please feel free, anyone at the
23 table, to add your comments as we go
24 through it, if you feel it necessary,
25 just to elucidate the conversation.

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2 So please proceed.

3 MR. ELTMAN: We are here today
4 to give a short 12-minute presentation
5 about the lessons learned from the tragic
6 loss of Firefighter Daniel Sweeney and
7 Lieutenant Robert Neary occurring on
8 April 9th, 2012 at the Kensington
9 warehouse fire and collapse. Councilman
10 James Kenney requested this study to
11 uncover the circumstances of the
12 firefighters' fatalities.

13 As the Councilman asked for,
14 this study shows lessons learned and
15 recommendations. It does not assign
16 blame. And, most important, it shows
17 what the City of Philadelphia and the
18 Fire Department can do to prevent a
19 reoccurrence of this type of tragedy in
20 the future.

21 And with that, we are going to
22 begin a short slide presentation that
23 will paint a picture of what happened
24 that night. Please hold any questions
25 until after our presentation.

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2 Here is our agenda: The
3 Incident Command System; status of fire
4 building - vacant, dangerous; failure of
5 command and control; lessons learned; and
6 then our recommendations.

7 Box 361, Jasper and York
8 Streets. Here is our timeline: At 3:13
9 a.m., Engine 2 was dispatched for a local
10 alarm. At 3:24, a second alarm was
11 struck. At 3:27, a third alarm was
12 struck. At 3:40, the fourth alarm. At
13 4:00, the fifth alarm.

14 At 4:05 a.m., Car 3 on location
15 as the Incident Commander. At 4:50, Car
16 2, estimated time on location. At 5:09
17 a.m., first major collapse. At 5:21
18 a.m., the fire was placed under control.

19 To continue with our timeline,
20 at 5:55 a.m., Ladder 10 Radio transmitted
21 its emergency activation. At 5:56 a.m.,
22 rescue operations were initiated. At
23 6:12 a.m., Firefighter Cheney was
24 removed, 16 minutes later. At 6:22 a.m.,
25 Firefighter Patrick Nally was removed, 26

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2 minutes later. At 7:06 a.m., Lieutenant
3 Bob Neary was removed, one hour and ten
4 minutes later. And, finally, at 7:25
5 a.m., Firefighter Daniel Sweeney was
6 removed from the rubble, one hour and 29
7 minutes later.

8 Weather conditions were as
9 follows: There was 20- to
10 30-mile-per-hour winds, with up to
11 43-mile-per-hour gusts reported from the
12 National Weather Service.

13 Now, strong winds create
14 tension on brick walls, and brick walls
15 are strong in compression strength, but
16 very weak in tension strength. And along
17 with wind, the multiple master streams
18 are flowing water into a building, and
19 the additional weight of water can
20 rapidly increase the potential for
21 structural collapse.

22 Here's a satellite view of
23 Jasper and York before the fire. And
24 Mike is going to point out in red the
25 buildings that were fully involved with

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2 fire. He's circling it in red now. And
3 in yellow, Mike is going to circle the
4 rear of the furniture store where Bob and
5 Dan were buried in the collapse.

6 And now here's a graphic of
7 where Dan and Bob were caught in the
8 collapse. And you can note that the
9 collapse zones should have been 360
10 degrees around the fire buildings, one
11 and a half to two times the height of the
12 walls.

13 Let me get into collapse zone
14 safety. Collapse zone safety is a
15 vertical collapse danger zone, and
16 collapse is how a zone should be
17 encompassed 360 degrees around the
18 buildings, and it should be one and a
19 half to two times the height of the
20 building, as I said before.

21 Now, early on in the fire,
22 here's a photo of Jasper Street side,
23 also known as the B sector. Structures
24 are fully involved with fire burning
25 through the roofs of the building.

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2 The next picture, this is the
3 B-C sector, which is the corner of Jasper
4 and York. Burning rubble on the ground,
5 as you can see with the arrow, and the
6 top of the wall has already collapsed and
7 there's a spandrel wall -- and that's the
8 area between the windows -- between the
9 fourth and fifth floors is missing and
10 has already collapsed.

11 And here's C sector, and that's
12 York Street. There's already been a
13 major collapse, and you can see the brick
14 along the street in the opposite side of
15 the sidewalk.

16 Now, here's A sector, and this
17 is Boston Street. This is Ladder 10's
18 apparatus and members in the section of
19 the building that the curtain wall
20 collapsed on of the furniture store. And
21 there's a freestanding wall right there
22 where the arrow is pointing and it's
23 unsupported by all the walls or any
24 floors. This is the most dangerous wall.

25 Here's the rear of the

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2 furniture store before the fire and the
3 section of the fire building that
4 actually collapsed onto the furniture
5 store.

6 And here's a graphic of a
7 collapse, and this is a curtain wall-type
8 collapse. And the next picture will show
9 you a description of a curtain fall. It
10 generally occurs with masonry walls. It
11 collapses like a curtain dropping from
12 the top, creating a pile of debris at the
13 base of the wall.

14 Here's another example of a
15 large building falling on a smaller one.
16 This is a cold storage warehouse fire on
17 American Street in Philadelphia in the
18 early 1990s, and there were a half a
19 dozen dwellings obliterated, no injuries
20 or deaths. There were collapse zones
21 established and maintained well after the
22 fire was extinguished.

23 Here are our pictures of the
24 half a dozen houses that were destroyed.

25 Next we're going to show you a

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2 video of the major collapse on Boston
3 Street. This is only 20 seconds.

4 (Video being shown.)

5 MR. ELTMAN: And that was the
6 major collapse on Boston Street. That
7 was just east of the area before that
8 actual second collapse that actually
9 killed the Ladder 10 members.

10 And here is the A sector now,
11 and this is still Boston Street. So the
12 members, as you can see by the first
13 arrow, are in the collapse zone on
14 opposite sides of the pavement. And this
15 is -- like I said, the first collapse had
16 already occurred, and now there's that
17 freestanding wall standing right there.
18 And that's the number one danger. You
19 can see Firefighter Cheney and Sweeney
20 are visible to the right of the Incident
21 Commander.

22 Here's the lessons learned: No
23 collapse zones were established and
24 maintained, based on our investigations.
25 Large buildings collapse onto small

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2 buildings and collapse smaller buildings.

3 It is the Incident Commander's

4 responsibility to set up collapse danger

5 zones.

6 The end of the fire is the

7 greatest collapse danger, and it's -- the

8 Incident Commander is responsible for

9 accountability.

10 Here are our recommendations:

11 That safety officer training be required

12 on a regular basis. Last safety officer

13 training that was conducted was in the

14 year 2007, and 25 percent of those

15 officers that received that training have

16 since retired.

17 Roll call/accountability slips

18 are inadequate. We should have GPS

19 tracking systems. And let me make a note

20 on that.

21 On the night of that fire, no

22 roll call/accountability slips were

23 collected, and if Firefighter Cheney were

24 to be completely buried, nobody would

25 have known who was actually missing.

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2 Number three, vacant buildings
3 should probably be marked as per Fire
4 Code Section 311.5.

5 Number four, responding
6 companies should be notified of vacant
7 building status when dispatched.

8 Number five, wooden police-type
9 barricades should be used to establish
10 collapse danger zones.

11 And, lastly, a fire officer
12 should be posted at each access point to
13 enforce the collapse zone.

14 Now I'd like to turn it over to
15 Commissioner Ulshafer and Deputy Chief
16 Dunn.

17 COMMISSIONER ULSHAFFER: Thank
18 you, Jack.

19 Thank you, Councilman.

20 COUNCILMAN KENNEY:
21 Commissioner, just pull that microphone
22 closer to you. Thank you.

23 COMMISSIONER ULSHAFFER: I thank
24 you and your Committee for listening to
25 this. It is extremely important. My

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2 intention is to attempt to point out the
3 basic failures, the problems, the
4 responsibilities, to review the Incident
5 Command System, and to make
6 recommendations so to prevent future
7 tragedies as this, particularly
8 unnecessary ones such as this due to
9 mistakes, poor judgment, inexperience,
10 inadequate training in fire ground
11 command and control.

12 The Incident Command System was
13 created many years ago in California due
14 to the wildland fires where you had
15 multiple disciplinary people and you'd
16 have large units. Eventually it was
17 adapted so it can handle any type of
18 system now. I was fortunate that I was
19 involved in the establishment of this,
20 working with Chief Brunacini from
21 Phoenix. When we first tried to adapt
22 the Incident Command System from wildland
23 fires to all emergencies throughout the
24 country, there was two systems then. One
25 was the NFPA, which Councilman O'Brien

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2 talked about earlier, and one was the
3 National Incident Command System, which
4 we actually made one system. I also was
5 involved in the first couple fire -- at
6 the National Fire Academy in the pilot
7 programs to try to sell the Incident
8 Command System to the Fire Chiefs of
9 America.

10 The Incident Command System is
11 a management plan to help span the
12 control and have the Incident Commander
13 delegate the authority throughout the
14 fire ground to subordinate officers. It
15 creates sectors and divisions.

16 Most buildings have six sides
17 to it - front, back, two sides, top and
18 bottom. In this case, we'll just talk
19 about four sectors, and the sectors are
20 named Alpha, Bravo, Charlie, Delta, and
21 they take a clockwise turn. Alpha is in
22 front and they go counter -- excuse me;
23 clockwise.

24 The Incident Commander is in
25 charge of the overall scene management.

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2 His job is to evaluate, determine the
3 strategy, and anticipate what may happen.
4 In this case, there was no anticipation.
5 But his primary responsibility is the
6 safety of everybody involved, including
7 the firefighters.

8 Under the Incident Command
9 System, you also have the Incident Safety
10 Officer, and he's to monitor the scene
11 for unsafe conditions throughout the
12 event. In this case, I believe there
13 were three Safety Officers. And he
14 reports nature and conditions to what he
15 sees to the Incident Commander, and he
16 can also establish a collapse zone even
17 without the say so of the Incident
18 Commander, and he assesses this potential
19 throughout the fire.

20 Under this, you have an
21 Operations Chief, who develops the
22 tactics to implement this strategy. It's
23 pretty simplistic. He then has Sector
24 and Division Chiefs, and you have a
25 Sector Chief or Division Chief at each of

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2 the Alpha, Bravo, Charlie, and Delta
3 sections. They're the eyes and ears of
4 the Incident Commander. They look and
5 see nature and conditions. They ask for
6 additional units. They supervise the
7 units that are working for them in that
8 sector, and they give the conditions back
9 to the Incident Commander so he can make
10 good decisions. If he did his job right
11 before he assumed the command post, he
12 would do a 360 around the building, and
13 this gives him an idea, a visual idea, of
14 what occurs all around the building and
15 what it looks like.

16 The collapse zone, the
17 definition of that is easy. It's a
18 designated safe area for personnel and
19 apparatus in case the dangers of a wall
20 collapse or an explosion. In this case,
21 we never found that a collapse zone was
22 ever put into place. We looked at
23 photographs. We looked at video.

24 Their operational procedure
25 calls for tapes or ropes. I've never

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2 seen a rope used effectively or at all.

3 The tape is not so hot. When I was in

4 the fire service, we used wooden

5 barricades. They're already stacked on

6 trucks with the Police, with Public

7 Property, with Recreation, and you should

8 call for them early, and they're the most

9 effective thing when you have a collapse

10 zone.

11 It's odd that they have a big

12 operational procedure on incident command

13 and incident safety and they have a

14 glossary in the back that has 105 items

15 defined. Nowhere is the collapse zone

16 defined.

17 The building, as you saw there,

18 is a five-story building, varies of four

19 and two. It's a rectangular shape. It

20 was a block long. It's been vacant for

21 years and years and years, open to

22 trespass, open to the weather, and it was

23 never sealed. And we found in the '80s

24 and '90s that the most effective way to

25 seal it was masonry. That's the only way

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2 you're going to keep people out. Plywood
3 and tin, that just doesn't work.

4 The construction of the
5 building was heavy timber, which also
6 gives you a heavy type fire load, a lot
7 of combustibles. The weather conditions
8 were against them. You saw that, how
9 strong the wind was. It not only helps
10 the walls to collapse, it also spreads
11 the fire through embers through
12 surrounding neighborhoods and also
13 radiant heat to your exposures.

14 So the strategy here is very
15 easy - master streams, heavy streams,
16 protect exposures. It's that simple.

17 One of the things that the Fire
18 Department does, each local company does
19 block inspections each year, and they
20 report vacant buildings and other hazards
21 to the Department of License and
22 Inspections. But it doesn't work.

23 In this case, the first-in
24 Company Officer in that neighborhood and
25 the Battalion Chief should have been

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2 aware or maybe was aware of this vacant
3 building that was there for years. The
4 first-in officer did a good job. He did
5 a size-up. He called for help quickly.
6 As noted in the previous presentation,
7 there was five alarms called very early,
8 very quickly. And under those heavy fire
9 conditions, it's very simple - no
10 interior attack. It's exterior attack
11 only. Heavy streams on the exposures of
12 the fire building -- because you're not
13 going to extinguish the fire. You just
14 can't develop enough water and have it
15 penetrate where you need it. The BTUs
16 and the heat that are being created are
17 really a lot, and it's just -- you can't
18 do anything but protect the exposures.

19 So the basic plan is pretty
20 simple - containment and safety of
21 personnel.

22 The failures, again, you had
23 this vacant building that was under
24 duress of heavy fire for over two hours,
25 which is an awful lot. You saw the

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2 collapses.

3 The Incident Commander failed
4 to anticipate a collapse, even though he
5 had two collapses earlier.

6 No establishment. You need to
7 have that collapse zone on all sides.
8 There was no indication between the
9 Sector Chiefs and the companies there
10 that a collapse zone was ever put into
11 place.

12 Sector Commanders, they didn't
13 know about it either, and yet three
14 different orders came from the Incident
15 Commander through his subordinate and
16 they put people in the building after the
17 first two collapses. Rescue 1 was in the
18 building. This is the exposed building.
19 Engine 35 was in the exposed building,
20 and, lastly, tragically, Ladder 10 was
21 inside of the exposed building.

22 Right before the collapse on
23 Ladder 10, there was a Safety Officer in
24 the building with them. Incredible. He
25 was in the building with them. He didn't

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2 pull them out. He shouldn't have been in
3 the building either. And command knew
4 that Ladder 10 was also in the exposure.

5 Conclusions and
6 recommendations: There has to be a
7 better process for sealing of vacant
8 buildings and a better process for
9 expediting them through the bureaucracy,
10 which is L&I, because currently it's not
11 effective, and it wasn't effective when I
12 was here.

13 There's also no owner
14 responsibility. And they chase people
15 down for years, and the owner never comes
16 around and does what he should do.

17 The second is target hazards
18 should be identified by the local company
19 and the Battalion Chief, and they should
20 maintain lists of large properties and
21 also vacant properties that are going to
22 be problematic to them if they're
23 involved in a fire.

24 In this case, the Acting Fire
25 Commissioner, because the Fire

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2 Commissioner was not there for this fire,
3 never assumed command on the fire. The
4 Deputy Commissioner of Administration
5 did. However, the Deputy Commissioner
6 for Operations, who was the Acting
7 Commissioner, issued orders to companies
8 and ordered Engine 35 into the exposed
9 furniture store. Why? I don't know.
10 The Deputy Commissioner for Operations
11 generally does not assume command. You
12 can do that at times, but that's what he
13 gets paid for. He's the Deputy
14 Commissioner of firefighters. Is it
15 because he lacks command experience?
16 Probably. Most of his career was spent
17 in staff. Is he qualified? Good
18 question. Why, though?

19 The Incident Commander had a
20 direct sight line down Boston Street next
21 to Ladder 10 where they had that earlier
22 collapse. Still no collapse zone. Still
23 the photographs show people operating
24 there in a dangerous area.

25 Initially, the Incident

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2 Commander admitted after the fire that he
3 did order Ladder 10 into that exposure.

4 He later recanted, and then he started to
5 play the blame game, and he said that
6 Ladder 10 was freelancing. Anybody that
7 knows Lieutenant Bob Neary, he's an
8 experienced fire officer with a lot of
9 years. He wouldn't freelance, and he
10 wouldn't let his men do it either. He
11 was a good supervisor.

12 Did he question the order when
13 he was ordered into the building? Who
14 knows. He can't answer that question.
15 So you can blame him, but you can't
16 answer that.

17 Not too many weeks ago
18 Commissioner Ayers privately admitted
19 that "we messed up" when asked what
20 happened. And "we," I assume that's his
21 two Deputy Commissioners. And this is
22 from an unimpeachable source. That's
23 serious. I mean, really serious.

24 When you're in command of a
25 large event, there's a risk-benefit

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2 ratio. In other words, is the risk worth
3 the benefits. Here, the risk was
4 everything. There was no benefits. So
5 they should have never been ordered in
6 them. Large vacant mill building under
7 heavy fire for two hours, previous
8 collapses? I mean, it screams, Keep
9 away, take a defensive position.

10 The Incident Commander there
11 had a large staff, because it was a
12 five-alarm fire, that could delegate and
13 help him. There was the Incident
14 Commander, his staff. There's Division
15 Commanders, the Sector Commanders, and at
16 least three Safety Officers, and yet no
17 one, no one had the sense to establish a
18 clearly defined collapse zone around the
19 entire building.

20 If I was to describe the
21 command control and emergency scene
22 management, my definition would be
23 "disgraceful."

24 We're now six months into this
25 tragedy. We don't have a report on the

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2 internal investigation the Fire
3 Department did. We don't have a report
4 of the critique that you always conduct
5 after every fire, particularly when you
6 have deaths. The Department has circled
7 the wagons. They have their helmets on
8 and they're in the turtle position. Yes,
9 your NIOSH is going to investigate this,
10 but that's going to take 12 to 18 months.
11 That's too long. I mean, too long.

12 I'd suggest that your
13 Committee, Councilman, should also look
14 at the Berkshire Advisors report that was
15 commissioned by the Pennsylvania
16 Intergovernmental Cooperation Authority
17 on what's happening in the Fire
18 Department, because the Fire Department
19 is out of control. And I'll reiterate
20 that.

21 Although the Fire Commissioner
22 previously stated "we messed up," where's
23 the accountability? What changes have
24 been made so this disaster doesn't happen
25 again today or tomorrow? Without change,

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2 we all know nothing ever gets better.

3 The rank and file of the PFD
4 and the citizens deserve better. And the
5 deaths of Lieutenant Neary and Fireman
6 Sweeney demand it.

7 Thank you.

8 COUNCILMAN KENNEY: Thank you,
9 Commissioner.

10 Please identify yourself again
11 and proceed.

12 CHIEF DUNN: Yes. Again, good
13 afternoon. My name is Vincent Dunn.

14 A collapse and a fire like this
15 with the line-of-duty deaths is the
16 nightmare of all fire chiefs and
17 firefighters. This is a tragedy that no
18 one wants to happen.

19 Okay. In the introduction, you
20 mention the NFPA standards. What are
21 these NFPA standard recommendations?
22 NFPA standard recommendations are adopted
23 as law in many cities and local
24 governments. NFPA standards are
25 considered by courts when determining a

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2 legal dispute. They are introduced.

3 NFPA standards can be legal documents.

4 Now, I went, when I knew I was
5 coming down here, and looked at the NFPA,
6 National Fire Protection Association,
7 Standard 1500, which is about standards
8 of fire department occupational safety
9 and health, and Section 3.353 states the
10 Incident Commander is the person
11 responsible for all decisions relating to
12 the management of the incident and is in
13 charge of the incident.

14 NFPA Standard 1500, Section
15 8.33 says the acceptable level of risk is
16 directly related to the potential to save
17 lives or property. It goes on to say no
18 potential to save lives or property -- if
19 there is no potential to save lives or
20 property, there is no justification to
21 expose fire department members.

22 And we were talking about the
23 definition of a collapse danger zone. In
24 that slide, it showed a collapse danger
25 zone is defined as the distance away from

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2 the wall equal to one and a half or two
3 times the height of the wall. That is
4 defined in the fire service.

5 Now, how do you set up -- what
6 is the best way to set up a collapse
7 danger zone? The best way is to announce
8 it over the radio, because when you do
9 that, everyone at the scene hears that.
10 Instead of saying to the individual Chief
11 reporting into the command post, Watch
12 out for the collapse danger zone, if you
13 announce it over the radio, everyone is
14 able to hear it. And then you assign a
15 Sector Officer to supervise that safety
16 collapse danger zone that you have
17 established.

18 Now, another question at the
19 introduction, my final statement here, is
20 about vacant buildings. Vacant buildings
21 are very dangerous, because if there was
22 a standpipe, it's not active. If there
23 was a sprinkler, it's not in service.
24 The doors are missing. The windows are
25 missing, which stop fire spread from

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2 floor to floor. There are holes in the
3 floors from rotting and scavengers
4 stealing material.

5 Now, in the fire service, most
6 firefighters -- there are three
7 classifications: residential building
8 fires, where most firefighters are
9 killed, because we do most firefighting
10 there, but then you have commercial
11 buildings, and they have what you call
12 special occupancy buildings - vacant
13 buildings, buildings under construction,
14 buildings under demolition. They are the
15 most dangerous buildings, because
16 statistics show four firefighters die for
17 every hundred thousand fires in a
18 residential building. Eight firefighters
19 approximately die for every hundred
20 thousand fires in a commercial building.
21 And they say 12 firefighters can die for
22 every hundred thousand fires in a special
23 occupancy building, these vacant
24 buildings, buildings under construction,
25 buildings under demolition, which are

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2 partial buildings. And early collapse
3 happens in these buildings, and it's a
4 collapse danger.

5 COUNCILMAN KENNEY: Thank you.

6 I just have a couple questions on your
7 opinion relative to -- first of all, the
8 level of block check that goes on, is it
9 the same now as it was 10 years ago, 20
10 years ago? Does anyone -- I mean, can
11 anybody actively speak to that?

12 CHIEF DUNN: What is the
13 question?

14 COUNCILMAN KENNEY: It's
15 probably more for our guys as to whether
16 or not the level of block check is where
17 it was, say, 10, 15, 20 years ago or not.

18 COMMISSIONER ULSHAFFER: I've
19 been gone for a while, but I know they do
20 block checks. How thorough they are, I
21 don't know, but when there's buildings
22 like this that they don't pay much
23 attention to, I don't think the block
24 inspection is very thorough. I think
25 it's very laissez-faire, the attitude. I

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2 think the Department over the years has
3 been so frustrated by the lack of action
4 by L&I, that they just stop doing what
5 they're supposed to do. So there's a
6 multiplicity in things in there that can
7 happen.

8 So I can't address if they
9 still do block inspections, but they
10 should certainly do the large buildings,
11 the target hazards and the vacant
12 buildings.

13 COUNCILMAN KENNEY: I assume
14 the Commander's, I guess, Battalion
15 Chiefs who work a particular battalion
16 would know or be aware of some of the
17 potential problem buildings there are in
18 his particular battalion or her
19 battalion.

20 COMMISSIONER ULSHAFFER:
21 Absolutely. And they should assess that
22 from a point that they're going to have a
23 large fire in there, because vacant
24 buildings are going to burn eventually.
25 That's his job when he goes around his

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2 local district, to point that out. He
3 should make a list of them. They should
4 be turned back over to L&I. But he
5 should also apprise everybody that's
6 going to be there, especially the first
7 alarm units, that that's going to be a
8 problem, and he needs to assess what the
9 water supply is going to be, what the
10 exposures are going to be, what the life
11 hazard is going to be.

12 COUNCILMAN KENNEY: Do you
13 think that the Fire Department should
14 play a bigger role in designating
15 buildings as safe and also the kind of
16 special markers that other cities use on
17 buildings that have potential to be a
18 death trap?

19 COMMISSIONER ULSHAFFER: I
20 testified years ago to City Council that
21 the Fire Department should have a bigger
22 role in everything that comes down from
23 License and Inspections, because we got
24 involved in a lot of it, but we didn't
25 enforce it, and that's where the problem

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2 was, in enforcement.

3 COUNCILMAN KENNEY: Does the
4 role of the Fire Marshal have anything to
5 do with this or is that always post an
6 incident?

7 COMMISSIONER ULSHAFFER: No.
8 The Fire Marshal investigates fires, but
9 the Fire Marshal has nothing to do with
10 the Fire Code, enforcing that. We write
11 it, we interpret it, but they don't
12 enforce it. L&I does.

13 COUNCILMAN KENNEY: That may be
14 an area of change that we may be required
15 to implement, especially since it's our
16 folks going in there. It's not L&I going
17 in there in a fire. It's the Fire
18 Department. So it would seem logical
19 that they have motivation to make sure
20 that they at least know every piece of
21 information about a building prior to
22 entering it or prior to trying to put a
23 fire out outside it.

24 COMMISSIONER ULSHAFFER: Sure.
25 I mean, the firefighters, the Fire

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2 Department, has a much more vested
3 interest in making sure those things are
4 implemented to make it safer. Less fires
5 makes it safer.

6 I fought that position when I
7 was here for five years as a Fire
8 Commissioner. That's why I got a lot of
9 this gray hair, because we never did it.
10 I mean, we tried, but, you know, it just
11 was same-old, same-old.

12 COUNCILMAN KENNEY: I'd be
13 interested as the Chairman of this
14 Committee to look at recommendations that
15 you guys could make that would get the
16 Fire Department more proactive in this
17 process as opposed to turning over
18 information to L&I, or getting involved
19 in the process in more conjunction with
20 L&I from a code standpoint as opposed to
21 from a practice standpoint. It
22 apparently doesn't happen all that much.

23 COMMISSIONER ULSHAFFER: That's
24 a critical word, Councilman, "proactive."
25 Absolutely.

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2 COUNCILMAN KENNEY: Councilman
3 Squilla.

4 COUNCILMAN SQUILLA: Yes.

5 CHIEF DUNN: Could I say
6 something? There's a program -- it's
7 called Tactical Information of Perilous
8 Situations -- many fire departments use,
9 and what it is, is when a fire company
10 determines a hazardous building, like a
11 vacant building or a collapse danger
12 building or an exposure building, HAZMAT
13 building, they identify it and they have
14 a short card they submit with the address
15 and the hazard. Then Senior Chiefs
16 determine a defensive strategy how this
17 fire should be fought. It's sent to the
18 dispatch office. They program this into
19 the address. When the box alarm comes up
20 for that address, the dispatcher says to
21 the first responders, Be aware, there's a
22 hazard here. They identify the hazard
23 and they recommend a strategy. This is
24 Tactical Information of Perilous
25 Situations. Many departments use it.

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2 COUNCILMAN SQUILLA: My
3 question deals a little bit about the
4 collapse zone. At what point does
5 somebody decide out there that a collapse
6 zone should be initiated, or is it every
7 fire?

8 COMMISSIONER ULSHAFFER: In this
9 fire, very early, because you got a large
10 vacant building fully involved in fire
11 very early on. So you had to anticipate
12 that collapse. They should have called
13 for the barricades right then and there,
14 in the first 20 minutes to a half hour,
15 once they got their people in position.

16 CHIEF DUNN: The Incident
17 Commander cannot determine this by
18 himself or herself at the command post.
19 We have to train our firefighters that
20 everyone is looking for a building
21 collapse. Firefighters, when they see a
22 dangerous situation, report it to the
23 Company Officer. The Company Officer
24 investigates. When they determine, yes,
25 it is dangerous, they report it to the

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2 Sector Officer. Then the Sector Officer
3 reports it to the Incident Commander.
4 Firefighters are the eyes and ears of the
5 Incident Commander. He sometimes can see
6 a collapse danger, but most often it's
7 reported to the command post by the
8 firefighters, Company Officers and Sector
9 Officers.

10 COUNCILMAN SQUILLA: And so
11 that would go up in the chain of command
12 and how they deem it?

13 CHIEF DUNN: We have to tell
14 the firefighters and encourage them. We
15 want to encourage that communication
16 upward to command. We don't want to
17 discourage that.

18 COMMISSIONER ULSHAFFER: In this
19 case, there was a Safety Officer assigned
20 to each sector. They didn't do their
21 job.

22 CHIEF DUNN: I should have said
23 that. When the Safety Officer reports to
24 the command post, the officer and command
25 usually says, Make a survey, let me know

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2 if there's any danger. The Safety
3 Officer then makes a survey and reports
4 back to the Incident Commander of any
5 problem. The Incident Commander engaged
6 at the command post -- the Safety
7 Officer, that's his job. He recommends
8 actions by the Incident Commander, but
9 the buck stops with the Incident
10 Commander. He has the ultimate
11 responsibility. But we use Safety
12 Officer. They're very important. Safety
13 Officer also identifies collapse dangers.

14 COUNCILMAN SQUILLA: And from
15 this particular fire, the initial
16 collapse -- it looks like there was
17 plenty of collapses before the one that
18 killed the firefighters. Once you see
19 one part of the collapse, is it 100
20 percent of the time you would then say,
21 We have big problems here, and then we
22 would have the collapse zone around the
23 building?

24 CHIEF DUNN: When parts of a
25 building start to fall down, that's the

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2 beginning of the collapse danger,
3 that's -- when the Incident Commander
4 sees part of the building come down.

5 Generally on these heavy timber
6 buildings, the floors start to collapse
7 first, then the walls are freestanding,
8 and then the walls come out. And in that
9 case there, the floors had already
10 collapsed. You saw that video of the
11 wall next to it. There was nothing
12 connecting with that freestanding wall
13 which collapsed and killed Firefighter
14 Dan Sweeney and Lieutenant Robert Neary.

15 COMMISSIONER ULSHAFFER: One of
16 the most critical things for an Incident
17 Commander is anticipation. That's a key
18 word. He has to anticipate based on his
19 experience and knowledge and what that
20 building is of what's going to happen.
21 And that building is going to collapse.
22 Whether it's going to collapse across the
23 street, whether it's going to collapse
24 inside the building, whether it's going
25 to collapse on a building next door, it's

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2 going to collapse, period. It's only a
3 matter of time when.

4 COUNCILMAN SQUILLA: Thank you.

5 COUNCILMAN KENNEY: Before I
6 recognize Councilman O'Brien, I just want
7 to make sure the record is clear that
8 this Committee requested information, all
9 letters, e-mails, memoranda or records of
10 meetings and conversations about the Buck
11 Hosierey Company, and we understand we
12 couldn't get those because of ongoing
13 investigation. But we did ask for
14 similar information from Giamari
15 Furniture and Bedding, which is the
16 building next door, which the roof was
17 apparently not able to sustain part of
18 that collapse.

19 We've asked for all that
20 information. Licenses, permits,
21 variances, applications, extensions,
22 certificates relating to the Giamari
23 building, all inspections, the results of
24 those inspections, and none of those
25 requests were honored.

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2 I understood from my
3 conversations with the District
4 Attorney's Office and the Law Department
5 that in fact a lot of this information
6 relative to Buck was being embargoed
7 because of the nature of the
8 investigations, but buildings around it,
9 from my perspective, were not part of
10 that ongoing grand jury, and they refused
11 to provide that information.

12 So I don't know what the
13 condition of the Giamari building was
14 relative to any prior L&I contact. It
15 would seem to me that that information --
16 and this is where we go back to what you
17 talked about earlier. It would seem to
18 me that the responding company initially
19 should have that information on some type
20 of computer, some type of handheld
21 something that gives them information
22 about the tentative nature or structure
23 of that building, not necessarily --
24 well, Buck too, but the buildings around
25 it, that you need to be aware of what's

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2 in it, what's being stored or not stored
3 in there, the condition of the buildings,
4 whether they're in good shape or not,
5 which is frustrating from our perspective
6 because, again, it had nothing to do with
7 the grand jury. It had to do with the
8 building next door. So that's been a
9 frustration in trying to prepare for this
10 hearing also.

11 Councilman --

12 COMMISSIONER ULSHAFFER: Years
13 ago, Councilman, with the computerized
14 dispatch system, we could do a lot of
15 things, and one of the things was, we
16 could identify buildings, and then they
17 would print it out when the address came
18 out for a response. And we did it
19 particularly for hazardous materials and
20 other things. They could certainly do
21 that with vacant buildings too. Why they
22 didn't segue into that, I don't know.

23 COUNCILMAN KENNEY: And I don't
24 know whether or not that information is
25 even available, because they haven't told

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2 us that it was available or not
3 available. So they've not been
4 responsive on requests for information
5 outside of the realm of the Buck
6 investigation.

7 So Councilman O'Brien.

8 COUNCILMAN O'BRIEN: I'm going
9 to have somewhat of a run-on question, if
10 you don't mind. I'll put it out there,
11 and perhaps conversationally you can
12 respond to it.

13 You had touched, Commissioner,
14 on the requisite level of expertise for
15 these command positions. And can you
16 tell this Committee the specific training
17 models that are in place and are they
18 standardized and are we conforming with
19 those training models for our command
20 positions?

21 The second -- and just one
22 that's out there is -- is it a
23 consideration, given this specific issue,
24 the incidents before us or the incident
25 before us, of how many fire grounds have

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2 you commanded? Is that important, as
3 you've gone through every staff level in
4 the Fire Department?

5 The second is, Commissioner,
6 how many alarms would you strike for this
7 instant fire? And as a followup, for my
8 information and the members of the
9 Committee, could you describe the process
10 that you would go through in determining
11 what alarm level would be appropriate for
12 this fire specifically and what protocols
13 would control that process. And I would
14 also ask you to comment -- I'm sure
15 there's cost considerations associated in
16 an integration of that process with those
17 protocols. And what weight would you
18 have given in balancing those protocols
19 with the cost of striking a higher alarm
20 and what weight do you think was given in
21 this instant issue before us?

22 COMMISSIONER ULSHAFFER: Well,
23 that was a lot of questions, Councilman.
24 I'll try to answer them.

25 I wasn't there. I'll not

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2 second guess if they called for enough
3 alarms than the five alarms. It looks
4 like they did, because they contained the
5 fire to the building. There was very
6 little spread. There was spread of
7 embers, which can happen on any fire. So
8 five alarms probably for that building
9 was appropriate, but that's difficult for
10 me to say unless I was there.

11 The cost -- the more alarms you
12 pull, especially with depleted companies
13 and the brownouts in this city, the rest
14 of the City is very vulnerable, because
15 they don't have as much fire protection
16 as they should have.

17 During my period, we used to
18 have a re-call where we used to take
19 people off duty and bring them back. Now
20 you have to pay them overtime.

21 There is some people that have
22 said that there's an unwritten law that
23 you don't pull more than five alarms now,
24 because that pretty much takes the City
25 about 40 percent of their fire

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2 protection, which in a city of 129 square
3 miles is -- that's difficult. So they
4 could have multiple alarms, multiple
5 fires at the same time, which happens.
6 Whether the cost is the consideration,
7 only the people that run the Department
8 and the people from the executive branch,
9 they would be able to know that. In this
10 case, I do think they had good people
11 there. Was the rest of the City
12 adequately protected? No, but they got
13 away with it, but they still killed two
14 firefighters.

15 COUNCILMAN O'BRIEN: Thank you,
16 Mr. Chairman.

17 COUNCILMAN KENNEY: Could you
18 elaborate a little bit on this
19 accountability/roll call kind of
20 situation. Could you go into a little
21 more depth as to its critical nature and
22 what kind of modern techniques there are
23 to keep track of who is on the fire
24 ground and where they're at?

25 COMMISSIONER ULSHAFFER: Just

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2 real quick, and I'll give it to Chief

3 Dunn, but there's a command board at the

4 command post and it's supposed to list

5 where all the different companies are,

6 and then each company has a slip. They

7 leave one with the driver and they're

8 supposed to turn one into the command

9 post, and it lists all their personnel

10 that are there that night. In this case,

11 the command board wasn't kept current.

12 There's several photographs of that.

13 They didn't know who was where. I guess

14 they let the Sector Commanders rely on

15 that.

16 But an accountability system is

17 extremely important. You need to know

18 where your people are in case you have a

19 catastrophe so you know how many people

20 are involved, where they're involved, if

21 Engine 10 comes up and has a problem,

22 where's Engine 10 on the fire ground.

23 They may come up and nobody will know,

24 except the Sector Commander. In this

25 case, the Incident Commander didn't know.

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2 CHIEF DUNN: As far as that
3 command board is concerned, I mean,
4 that's prehistoric. I mean, we had the
5 same command board before 9/11. Now we
6 have a command board that's like an iPad.
7 We can draw up a building and go from
8 floor to floor. They have an
9 accountability system where firefighters
10 have chips that they can all be located.

11 Now, I would recommend that the
12 division of training in Philadelphia do a
13 study and upgrade that command board to a
14 state-of-the-art accountability system.
15 There are many accountability systems out
16 there being used by firefighters. A
17 major city like Philadelphia should be
18 upgraded. This is not a good
19 accountability command board system for a
20 big city like this.

21 COUNCILMAN KENNEY: Is there
22 technology available that you're aware of
23 that could be placed on a particular
24 firefighter, a chip of some kind, a GPS
25 tracker, something that would be in the

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2 helmet, in the equipment, in the bunker
3 gear that you will be able to locate
4 someone, especially people who often are
5 sometimes trapped in a dark house, in a
6 basement somewhere where you really don't
7 know where they're at, you just can't
8 see.

9 CHIEF DUNN: Yes. I believe
10 it's in the handie talkie. They now have
11 a system, a chip or something embedded in
12 the handie talkie. Every firefighter has
13 that communication, handie radio, and
14 that's how we identify them. That's
15 state of the art. That can be easily
16 determined. I'm sure the training chief
17 of Philadelphia knows about that system,
18 could obtain that system quickly and
19 provide you with all the information you
20 need.

21 COUNCILMAN KENNEY: To the two
22 current active firefighters, do you know
23 of anything like that that we have in
24 place?

25 COMMISSIONER ULSHAFFER: In

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2 Philadelphia, I believe they still have
3 PASS devices, which is a personal safety
4 system on each firefighter, so when they
5 go in and there's a problem, if they
6 don't move for so long, it sends an
7 audible alarm, a loud alarm, so you know
8 where he is or she is and you can find
9 them in the smoke, you can find them if
10 there's a collapse.

11 MR. ELTMAN: We are getting a
12 new radio system and new radios, and
13 technology will be in the radio system,
14 but it would be better if it's in the
15 actual personal gear that the
16 firefighters are wearing, because you can
17 actually lose a radio.

18 COUNCILMAN KENNEY: When is the
19 radio system scheduled? Do you have any
20 clue?

21 MR. ELTMAN: Chief Devlin
22 announced it should be coming up. He
23 announced just a couple months ago. It
24 shouldn't be too much longer.

25 COUNCILMAN KENNEY: Councilman

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2 O'Brien.

3 COUNCILMAN O'BRIEN:

4 Commissioner, I'm looking at the timeline
5 here, and at 4:50 a.m. on April 9, Car 2
6 was on the location. At 5:09, the first
7 major collapse took place. Pardon me for
8 my run-on question before, but could you
9 be very specific as to the role of that
10 staff person, that position in this
11 specific instance before us, and what the
12 requisite level of expertise and training
13 that individual should have.

14 COMMISSIONER ULSHAFFER: By the
15 time you get to be a Deputy Commissioner,
16 you should have had extensive experience
17 in firefighting as a Battalion Chief, as
18 a Deputy Chief. He should have gone to a
19 lot of different schools, including the
20 Command Officers Course at the National
21 Fire Academy. There's other courses
22 listed throughout the country, Oklahoma
23 A&M, Texas A&M. University of Maryland
24 has some excellent courses. They've
25 always been a leader in that.

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2 I don't know what his
3 curriculum vitae is for that, but -- I
4 don't have that information to tell you,
5 but it was pretty obvious that there was
6 some pretty big omissions. As the time
7 he got on the fire ground, right there it
8 says it's estimated. Usually when the
9 Chief Officer arrives on the fire ground,
10 he tells fire communications, Car 1 is on
11 the fire ground, Car 2 is on the fire
12 ground, Car 3. In this case it would be
13 Car 2, and he was also Acting
14 Commissioner that night. It's pretty
15 long for the time he got there from the
16 time they hit the third alarm, but I
17 don't know where he came from, what he
18 was doing. He may have been there before
19 and didn't sign on. I don't know that.

20 COUNCILMAN O'BRIEN: Thank you,
21 Commissioner.

22 CHIEF DUNN: I'd just like to
23 add to that. You know, last night Mike
24 Bresnan and I were talking, and there was
25 a very well-received safety course given

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2 to the Philadelphia fire officers and
3 fire chiefs by Philadelphia high command
4 officers, and he said that 40 percent --
5 25 percent of those have retired.

6 And what was the name of that
7 course, Mike, that you said so highly
8 about?

9 (Mr. Bresnan handing paper to
10 Chief Dunn.)

11 CHIEF DUNN: We were talking
12 about this. This is the Philadelphia
13 Fire Department Incident Scene Safety,
14 which was highly regarded. Deputy Chief
15 William Shouldis and James Smith gave
16 this course. It was highly regarded, and
17 all the officers that passed through it
18 got information about building collapse
19 and vacant buildings. However, this
20 course is no longer given, and all the
21 officers that went through, 40 of them,
22 or 25 percent, have retired.

23 So this is a course already
24 prepared that should be given
25 continuously. One of the recommendations

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2 I believe on this slide show was that you
3 should have continuous training for
4 Incident Commanders, Safety Officers and
5 Fire Officers at the scene.

6 COUNCILMAN KENNEY: Councilman
7 Henon.

8 COUNCILMAN O'BRIEN: Thank you,
9 Chief.

10 COUNCILMAN HENON: Thank you,
11 Mr. Chairman.

12 When you did the report, have
13 you taken a look at the age, the average
14 age, of the Philadelphia Fire Department
15 moving forward in its officers and its
16 ranking? When you were recommending -- I
17 mean, it seems like the amount of
18 education and certificates and NFPA
19 knowledge and all these schools, are we
20 going to be properly trained from a
21 Commander's perspective and supervisory
22 role moving forward for training our
23 officers?

24 CHIEF DUNN: In New York City,
25 we just instituted to be a Captain, you

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2 need an Associate's Degree. To be a
3 Chief Officer, you need a college degree.

4 I know having college doesn't
5 help you put a fire out, but it's
6 definitely important to officers, in
7 addition to their vocational training.
8 They have to have standards for your
9 company officers. It's recommended
10 that -- also, we also get our tuition
11 paid and reimbursed when we go to John
12 Jay and City University. So our
13 firefighters have motivation to get an
14 Associate's Degree to become a Captain,
15 and you're not going to be a Chief
16 Officer in New York City if you don't
17 have a college degree. And so we're
18 about ten years behind the Police
19 Department, but we're deficient -- all
20 the fire departments are deficient in
21 college. That helps.

22 And when they get an Associate
23 Degree, it's 64 credits. Thirty-two of
24 them are firefighting courses. So we get
25 a course on strategy. We get a course on

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2 fire prevention. We get a course on
3 vacant buildings. It's not just
4 academic, liberal arts training. And
5 same thing when you major in it for the
6 four-year degree, you got to get -- a
7 foundation requirement in fire strategy
8 is one of them.

9 COMMISSIONER ULSHAFFER: We
10 encourage everybody. We had several
11 courses. One for an Associate's degree
12 was at Community College here, and the
13 other was up at Holy Family College where
14 you get a Bachelor's degree in that. And
15 we encourage everybody to do that during
16 the time I was here. There was no
17 monetary incentive, but usually you found
18 those people who attended those courses
19 were much better off when they came to
20 taking promotional tests. Their skill
21 level was increased considerably. And we
22 also made sure we sent all our Command
23 Officers, Battalion Chiefs, Deputy Chiefs
24 to the National Fire Academy, to all the
25 standard programs, and fortunately, they

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2 have three or four people since retired
3 from Philadelphia down there as teachers
4 now and they're right on top of the
5 Incident Command System, they're right on
6 top of safety. Whether they still send
7 Command Officers from Philadelphia, I
8 don't know.

9 CHIEF DUNN: You need to
10 motivate it. You need to have a
11 requirement of the two years for it to be
12 a Captain and four years to be a Chief,
13 or it's not going to happen. And it's
14 got to be some type of monetary
15 assistance for these working firefighters
16 who are going to spend time, and school
17 is very expensive.

18 Just a point, New York City
19 today for the first time in the history
20 of New York City, our Fire Commissioner
21 and Chief of the department come up
22 through the ranks and have college
23 degrees. We're over 150 years old, and
24 we finally got a Chief and a Commissioner
25 from the ranks with a college degree.

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2 COUNCILMAN KENNEY: Councilman
3 Squilla.

4 COUNCILMAN SQUILLA: My
5 question is on training. Right now does
6 the City mandate the training for the
7 officers, that they have required
8 training that they need to take before
9 becoming an officer?

10 CHIEF DUNN: The City has to
11 require training. Now, the City starts
12 that -- that safety course was mandated
13 by the City of Philadelphia. Now,
14 firefighters spend much of their own
15 money going for promotion exams, for
16 private schools to get promoted. So I
17 always went to a private school, paid a
18 lot of money for my promotions. And
19 there was in-service training required by
20 the Fire Department, but not as much as I
21 got on my own and as I got from the GI
22 Bill when I attended college outside the
23 Fire Department.

24 COMMISSIONER ULSHAFFER: During
25 the middle '80s, late '80s, early '90s,

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2 there was in place an officer development
3 class that everybody had to attend, and
4 it was an ongoing thing. I don't know
5 whether they still do that or not.

6 MR. ELTMAN: No.

7 COUNCILMAN SQUILLA: No.

8 COUNCILMAN KENNEY: Well, the
9 difficulty with this hearing, frankly, is
10 that we've asked them to attend. I
11 didn't want to go to the point of
12 subpoenaing, which I think is a little
13 over the top, but I would have expected
14 to be able to have this conversation,
15 outside of the incident, going forward as
16 to what we can do to improve training and
17 safety and inspection and all the other
18 things. But, I mean, they just said no,
19 they're not coming. And I know Deputy
20 Commissioner Resnick is here and he's
21 going to read a statement, and I'm not
22 shooting the messenger, by my means.
23 He's a good guy. But it's hard to get
24 answers to things when nobody shows up.

25 COMMISSIONER ULSHAFFER: As I

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2 said before, without change, nothing is
3 going to get better, and they really need
4 to have more training. They really need
5 to network better with their Chief
6 Officers, because training is the key to
7 having a successful fire department.
8 You're not going to be effective, you're
9 not going to be efficient unless you have
10 well-trained people right from
11 firefighter through your Deputy
12 Commissioners.

13 COUNCILMAN KENNEY: Councilman
14 Henon.

15 COUNCILMAN HENON:
16 Commissioner, just hearing your expert
17 testimony here and feedback, education is
18 key, and I'm concerned through natural
19 attrition and the lack of resources that
20 municipalities have, but specifically
21 Philadelphia, City of First Class. We
22 obviously -- people don't realize -- a
23 little bit of my background is
24 understanding some codes and uniform
25 construction codes and things like that,

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2 of that nature, but people don't realize
3 that when you talk about the NFPA and you
4 talk about codes and fire protection,
5 they're in there for a reason. There
6 have been tragedies. There has been loss
7 of property, loss of lives for it to
8 become a national standard or code. And
9 I think that when you have people rising
10 up through the ranks through their own
11 ambitions or through their own
12 self-motivation, taking courses and
13 educating the rank and file firefighters,
14 it's life or death. And I don't think
15 that we can afford to have a gap in
16 education and protocols and the right
17 type of resources necessary to protect
18 our firefighters and our citizens and the
19 properties and equipment that you're
20 there to protect as first responders.

21 So I think education is key,
22 and I would hope that moving forward, you
23 take a look at the age, you take a look
24 at the department and its attrition,
25 natural attrition rates, to make sure

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2 that there's no gap, that we address the
3 educational component and somehow try to
4 incentivize some of our best-trained
5 firefighters to protect each other and
6 make sure that we have the proper
7 protocols.

8 COMMISSIONER ULSHAFFER: I agree
9 with you. The cost of not training is
10 considerable. The cost of training is a
11 pittance compared to when you don't train
12 your people. Then you're not efficient,
13 then you're going to be dangerous, then
14 you're not protecting the citizens who
15 pay your salary. I mean, they're our
16 customers, the Fire Department, the
17 citizens. And the Fire Department should
18 treat them like that and be the best that
19 they can be. And most of our guys are
20 like that and the women who serve the
21 City very proudly.

22 COUNCILMAN KENNEY: One of
23 the --

24 MR. ELTMAN: Councilman, to add
25 to that, training is a key --

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2 COUNCILMAN KENNEY: Please
3 identify yourself.

4 MR. ELTMAN: I'm sorry. Jack
5 Eltman, Local 22.

6 Training is a key, and this has
7 been a problem for us, I mean, ever since
8 the station closes and now the brownouts
9 and everything else. The City -- we're
10 running so shorthanded, they can only
11 send two companies at a time for
12 training. We have firefighters out there
13 that are losing those CPR certifications,
14 your EMT certs, and we're not just
15 talking collapse zones and things like
16 that either, just fire ground safety in
17 general. It's everything. Like the
18 Commissioner said earlier, we're running
19 amuck. We want to be trained. We want
20 to be number one in this country.

21 COUNCILMAN KENNEY: Thank you.

22 One of the other issues that I
23 tried to raise with the Administration
24 relative to the accurate count and review
25 of each and every structure in the City

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2 and can't get an answer, there were three
3 things that -- I mean, three areas that
4 we could find this information, and, that
5 is, we did the Neighborhood
6 Transformation Initiative under Mayor
7 Street so that every building was
8 supposed to be looked at and made account
9 for. The census was done recently, and
10 we could have -- people went to every
11 door of every structure in the City. And
12 also, I mean, the post office maintains a
13 carrier list that tells you where there's
14 deliverable mail and whether there isn't
15 and would narrow down the number of
16 structures that are potentially vacant.
17 But, again, those were all put in writing
18 as requests for that information, and
19 we're not getting it.

20 So we're going to continue to
21 try to ask for it. This has got nothing
22 to do with any grand jury investigation.
23 So we can try to craft either legislation
24 or policy that would put a lot of what we
25 talked about today in place. Everything

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2 costs money, but some things don't cost
3 money. Some things are available from
4 work that has already been done by either
5 government agencies or by other
6 governments, federal and city. So it's
7 just a frustrating experience.

8 COMMISSIONER ULSHAFFER: When I
9 left a long time ago, there was 28,000
10 vacant buildings in the City, because we
11 did keep an inventory. Now, that's
12 anything from a small row dwelling to
13 medium to large buildings, but 28,000
14 buildings, and they're all going to burn
15 eventually unless you do something about
16 it.

17 COUNCILMAN KENNEY: Any other
18 questions for these witnesses?

19 (No response.)

20 COUNCILMAN KENNEY: Thank you
21 very much for your time and for your
22 input. Appreciate it.

23 COMMISSIONER ULSHAFFER: Thank
24 you for taking the time to listen to us.

25 COUNCILMAN KENNEY: Deputy

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2 Commissioner, could you come up. I think
3 you have a statement you're going to
4 read.

5 (Witness approached witness
6 table.)

7 COUNCILMAN KENNEY: I'm sorry.
8 Just identify yourself for the record and
9 proceed.

10 MR. RESNICK: Sure. Good
11 afternoon, Councilman, members of the
12 Committee. My name is Michael Resnick
13 and I'm the Director of Public Safety for
14 the City of Philadelphia.

15 You have a prepared statement
16 that I believe was submitted as part of
17 the record. So I'm going to dispense
18 with the reading of that and just give
19 you some very brief comments.

20 On April 9th, I was at the fire
21 ground at about 4 o'clock in the morning.
22 I walked the fire ground with Chief of
23 Staff Gillison and Car 2. I was there
24 during the collapse. I was there during
25 the recovery operation. Let me just tell

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2 you that not only was that a tragedy for
3 the families, a tragedy for the Fire
4 Department, and a tragedy for the City of
5 Philadelphia losing two local heroes, I
6 can unequivocally tell you that was the
7 worst day of 20 years of public service.

8 There is no monopoly on care
9 and concern for the safety of our first
10 responders. This Administration cares
11 deeply about the safety of all of our
12 first responders, all of our City
13 employees, but specifically our first
14 responders, because these are unique
15 individuals who undertake a career of
16 concern for their city, their
17 neighborhoods, and their fellow citizens.

18 Because of the subject matter
19 of the resolution, given the fact that
20 there is an ongoing NIOSH investigation
21 and, more importantly, because our
22 District Attorney has empaneled the grand
23 jury, I believe -- the Administration
24 believes that it would be imprudent to
25 discuss the details of the fire or the

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2 subject matter of the resolution given
3 those pending investigations.

4 Just by way of example, Fire
5 Commissioner Ulshafer cited unnamed
6 sources in his testimony that seemed to
7 implicate Commissioner Ayers in having
8 some responsibility. I'd rather not rely
9 on that type of investigation -- on that
10 type of evidence. I believe that it's
11 irresponsible to make those types of
12 statements in public when there is a
13 grand jury empaneled, and I would not
14 want to say anything that would endanger
15 the work of the District Attorney's
16 Office or the impartiality of that grand
17 jury.

18 So I would be more than happy
19 to take your questions, your concerns,
20 your requests for information to the
21 Chief of Staff and have him respond.

22 COUNCILMAN KENNEY: Well, I'm
23 not going to go through -- and I
24 appreciate you being here and I
25 appreciate your comments, and I respect

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2 your work and your public service. There
3 are a number of information requests that
4 we had asked for in writing more than
5 once that had nothing whatsoever to do
6 with the particular Buck Hosiery
7 incident. It had to do with
8 communications between departments, the
9 knowledge of empty structures, the
10 knowledge of various things that relate
11 to trying to craft some policy or some
12 legislation going forward that would
13 limit this happening again. And I've met
14 with the District Attorney's Office and
15 fully understand their point of view and
16 stayed away from those questions, and the
17 questions that were not able to be asked
18 should have responded to us and just
19 said, We can't answer them, these are the
20 reasons why, but here are the questions
21 we can answer. And I think that's what's
22 frustrating, because we're trying to
23 figure out how to make it better.

24 I don't think -- I mean, again,
25 when the Local 22 started their

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2 testimony, we're not here to assign
3 blame, we're here to figure out what we
4 can do relative to potential dangerous
5 vacant structures and a coordination of
6 information between departments that
7 keeps everybody safe, including the
8 community, because if that's a
9 residential area, as it is, I mean, you
10 know, things happen and sometimes
11 buildings collapse on homes or the flying
12 embers start other fires.

13 So, I mean, that's, I guess,
14 our frustration for the Chair of this
15 Committee, is that I recognize the areas
16 where we shouldn't go to and stayed away
17 from them and would have been very happy
18 to have gotten a response back -- well,
19 not happy, but would have understood --
20 gotten a response back that we can't
21 answer this question because of the
22 ongoing investigation.

23 So that's my only point, and
24 I'm, again, not here to shoot the
25 messenger. I totally understand what

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2 you're saying, but there are many areas
3 of inquiry we made that have nothing
4 whatsoever to do with the grand jury
5 investigation, and they were unanswered.

6 MR. RESNICK: I hear your
7 frustration, Councilman, and, again,
8 that's a conversation I think you
9 personally can have with the Chief of
10 Staff.

11 COUNCILMAN KENNEY: Any
12 questions for Deputy Mayor Resnick?
13 Councilman Squilla.

14 COUNCILMAN SQUILLA: Is it okay
15 to talk about education in the Police
16 Department or anything like that or can
17 we talk about maybe retirement of
18 officers and like how we're going to
19 replace them? Are they things we could
20 ask?

21 MR. RESNICK: Each one of the
22 public safety departments - Police,
23 Prisons, and Fire - just submitted
24 succession plans to the Chief of Staff.
25 So I know that those conversations are

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2 taking place and those activities are
3 being planned for.

4 COUNCILMAN SQUILLA: All right.
5 Because I know -- I mean, especially now,
6 I guess, the next year, there's going to
7 be like 70 officers retiring in the
8 Police Department. So there's -- I mean
9 Fire Department. I'm sorry. So there's
10 a plan to educate our younger
11 firefighters and to get them up to code,
12 to get them up to snuff and be able to
13 perform the duty of these officer
14 positions? I mean, that's really
15 important, and it's scary to think that
16 people will be out there and we don't
17 have the resources to do that. Are we
18 looking to help it in any way as far as
19 having more classes available for our
20 firefighters?

21 MR. RESNICK: Succession plans
22 have been developed and they've been
23 submitted to the Chief of Staff,
24 Councilman. And in terms of training, in
25 terms of more classes, to the extent that

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2 we're able to obviously -- as one of the
3 witnesses said, training is cheap and not
4 training is expensive. So obviously we
5 realize the benefit of training, and
6 that's planned for.

7 COUNCILMAN SQUILLA: Are they
8 going to submit -- are we going to know
9 about the plan?

10 MR. RESNICK: I don't know if
11 you've requested it. I don't know if you
12 requested what the Chief of Staff's
13 determination will be, but he has
14 requested them, and I know he's been
15 receiving those plans.

16 COUNCILMAN KENNEY: I would
17 make a formal request on behalf of the
18 Committee today to have that when it's
19 available. And I'd hate to have to go
20 through necessarily another hearing and
21 have to issue subpoenas. I think that's
22 beyond really necessity. We're kind of
23 all in this together, and I don't know
24 why, other than grand jury testimony and
25 information, why everything has to be so

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2 secret. To me, it's what this Committee
3 is formed to do, is to examine those
4 employment policies and those employment
5 issues that put our people either in
6 danger or keep them safer.

7 So I make the request to you to
8 the Chief of Staff and we'll await --

9 MR. RESNICK: I have your
10 request.

11 COUNCILMAN KENNEY: Thank you.

12 I'm sorry. Councilman O'Brien.

13 COUNCILMAN O'BRIEN: Director,
14 I come from a long history that -- and I
15 believe that standing committees like
16 this have a legitimate oversight
17 function. I don't believe that we're
18 here to play who struck John. I agree
19 with the Chairman that we are not doing
20 our due diligence if we don't ask for
21 certain information.

22 Specifically, I believe that
23 we're looking at outcomes that are
24 research based and driven by epidemiology
25 so we can avoid the kind of anecdotal

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2 exchange that a hearing like this can be
3 accused of. But there is the 1999
4 Worcester 6 fire in Massachusetts.
5 There's the 2010 fire in Chicago that
6 killed two and injured 19 firefighters.
7 The National Institute of Occupational
8 Safety has issued reports on both of
9 those incidences. Both reports
10 recommended the fire departments and L&I
11 work together to identify and mark
12 abandoned buildings that present hazards
13 to firefighters and to the public.

14 Have you or the Administration
15 read these reports? Have you advocated
16 for the implementation of these
17 recommendations in Philadelphia?

18 MR. RESNICK: I personally have
19 not read the reports. I don't know who
20 else in the Administration may have,
21 Councilman, but I can tell you that
22 coordination between L&I, the Fire
23 Department, and the Office of Emergency
24 Management is a priority, so that first
25 responders who come to buildings realize

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2 or know what conditions exist in those
3 buildings, what the history is with that
4 building.

5 So there are plans in place to
6 make that information available to our
7 first responders, not only our Fire
8 Department but our Police Department as
9 well.

10 COUNCILMAN O'BRIEN: I think it
11 would be a good exchange between this
12 Committee and the Administration to
13 review in detail those reports and to see
14 how we can quickly implement those
15 recommendations.

16 Secondly -- and, again, I'll
17 bunch these together -- how much of the
18 Fiscal Year 2012 budget was spent on
19 training? How does officer -- how often
20 does officer development training take
21 place? Is the Philadelphia Fire
22 Department training in line with NFPA
23 standards? And can you give us a log, a
24 training log, for the last three years?

25 MR. RESNICK: Three years?

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2 COUNCILMAN O'BRIEN: Three
3 years.

4 MR. RESNICK: I have your
5 requests, Councilman. I'll submit them.

6 COUNCILMAN O'BRIEN: Thank you.

7 COUNCILMAN KENNEY: Councilman
8 Henon.

9 COUNCILMAN HENON: Thank you,
10 Mr. Chairman.

11 In addition to your many
12 requests that you have in front of you, I
13 was just curious maybe you could -- I
14 don't know if you can answer now or you
15 can provide to the Chair through the
16 Chief of Staff any recent policy changes
17 in protocols or any new policy changes
18 relevant to the deployment of our
19 officers that the Fire Department issued.

20 MR. RESNICK: Okay.

21 COUNCILMAN KENNEY: Any other
22 questions?

23 MR. RESNICK: I might need to
24 confer with you offline to clarify your
25 question and your request, but --

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2 COUNCILMAN HENON: I have no
3 problem with consulting with you offline.

4 MR. RESNICK: Okay.

5 COUNCILMAN KENNEY: Any other
6 questions for Deputy Mayor?

7 (No response.)

8 COUNCILMAN KENNEY: Seeing
9 none, thank you very much for coming in.

10 MR. RESNICK: Councilman.

11 COUNCILMAN KENNEY: Is there
12 anyone else to testify on this
13 resolution?

14 (No response.)

15 COUNCILMAN KENNEY: I just want
16 to say again from the outset when we came
17 in here, this has been a very informative
18 hearing. It could have been more
19 informative I think if we had a little
20 more cooperation, but that's been said
21 already.

22 Our goal here is to keep our
23 people safe or keep them as safe as
24 possible, and some things because of
25 expense we're not able to accomplish, but

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2 some things aren't expensive or aren't
3 costly at all to deal with this
4 department and its moving forward.

5 So I want to thank everybody
6 for their attendance, for their
7 participation, and we hope to be able to
8 issue at some point in time
9 recommendations legislatively as to what
10 we can do to memorialize our discussions
11 today. And please feel free to contact
12 any of our offices with more information,
13 but thanks again for your attendance
14 today. Thank you.

15 MR. ELTMAN: Excuse me,
16 Councilman. Jack Eltman, Local 22.

17 I just want to let you know
18 that the father of Dan Sweeney, retired
19 Captain, Dave Sweeney, is in attendance
20 with us today as well.

21 (Standing ovation.)

22 COUNCILMAN KENNEY: Thank you
23 very much. We're sorry for your loss,
24 and we hope to be able to do something
25 better going into the future for those

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2 who follow in your son's footsteps.

3 Thank you.

4 (Committee on Labor and Civil

5 Service concluded at 2:25 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on October 11, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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