

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS • INCORPORATED

1329 18th STREET, N.W. • WASHINGTON, D.C. 20036



16

AREA CODE 202
833-3420

TESTIMONY OF

DONALD D. FLINN

GENERAL MANAGER

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

NIOSH/MESA

PUBLIC HEARINGS

ON

30CFR PART II

OCCUPATIONAL RESPIRATORY PROTECTIVE DEVICES

BREATHING APPARATUS TESTIMONY

Public hearing on the proposed certification and regulation of breathing apparatus for use in the Fire Service.

My name is Donald Flinn, I am the General Manager of the International Association of Fire Chiefs, a non-profit professional organization representing the senior officials responsible for fire protection in their communities and/or states. I have over 22 years of active fire service experience and have served as a part-time instructor at the University of Maryland Fire Service Extension Program, where I have actively taught programs of training for firefighters in the use and maintenance of self-contained breathing apparatus.

At present NIOSH/MESA regulations dictate that all self-contained breathing apparatus manufactured before June, 1975, must be re-certified by March 31, 1979. Gentlemen, if we do not accomplish anything else here today, we must at least gain an extension of this deadline.

Accordingly, the International Association of Fire Chiefs, acting on behalf of it's members which protect 80% of this nation's population from fire, formally requests an extension of this re-certification deadline until March 31, 1982.

Failure to grant this request would impose a staggering economic and logistic impact on fire departments and municipalities throughout the country. The City of Baltimore, Maryland has estimated

that it would cost \$450,000 to upgrade or replace their existing equipment to meet the current deadline. Dallas, Texas has 450 units that would be necessary to upgrade or replace. Portland, Oregon, 275, Kirkland, Washington, a small department, has indicated it would require another \$4,000 to upgrade 14 existing units and replace 4. The magnitude of the problem remain in just the very large and the very small departments. The problem is, in the overwhelming majority of cases, conformity to the regulations can be achieved only through physical modification or alteration of the breathing apparatus. At this point, only one manufacturer is marketing a kit which will allow field installation, i.e. user modification to make their own adjustments to meet certification. Therefore, most present in-service breathing apparatus would have to be returned to a manufacturer for modification and re-certification.

For many fire departments and communities the cost factor alone would be prohibitive, not to mention the possibilities of increased firefighter and civilian injuries and possibly even deaths caused by the loss of in-service breathing apparatus while in route to and from the manufacturer. Both of these factors would be mitigated substantially, if the re-certification could be extended over a four-and-a-quarter year period, instead of the present one-and-a-quarter years. In most organizations, most communities municipal budgets are projected on a two-to-three year period. Many departments are presently operating under a fiscal year program where funds are identified as far in advance as 1979. To initiate any additional dollars to accomplish this certification process could only be achieved during the fiscal year 1980, beginning July 1, 1979.

While this is not, to all communities, it is a factor in many.

In addition, many of the fire departments which protect this great country are non-tax supported, volunteer organizations depending upon voluntary contributions and fund raising activities to secure their funds necessary to continue to contribute to the safety of their communities. Again, even a small amount, such as the \$4,000 figure quoted from Kirkland, Washington, may pose an awesome task to a small volunteer community fire department. In addition, the NIOSH/MESA regulations covering self-contained breathing apparatus, hopefully will be in a state of flux after these three days of hearings. The three year extension will give your agencies time to research and implement the suggestions you will be receiving in the next several days and will still allow sufficient time for fire departments to re-certify their breathing apparatus according to new regulations. No doubt, you have received, or will receive, many letters from fire departments across the nation echoing these comments. I urge you, gentlemen, to take these letters to heart and grant an extension of the re-certification deadline until March 31, 1982.

Now I would like to move to some other concerns of the members of the Fire Service, in regard to the proposed standards which are being identified as pertaining to self-contained breathing apparatus used by firefighters. The November 18, 1977 Commerce Business Daily, published a request for proposal for the identification of sources able to provide test methodology and criteria development for self-contained breathing apparatus. Included in that RFP is the state-

ment that suitable test apparatus will be constructed and used and recommendations for a test method and criteria will be developed. Further, it states, and I quote, "the government is not aware of any sources who can provide the above service." Obviously, it is apparent that the federal government has not had the opportunity of availing itself of the expertise of the Fire Service and industry in identifying the needs of the Fire Service, the capabilities of industry, and attempt to develop appropriate regulations to assure the safety of the firefighter and the quality of product. Therefore, I would encourage any regulations and standards which are developed be performance oriented. These performance standards must be developed in a fashion that will promote greatest life safety for the firefighter, and yet not deter or in any way be prohibitive of innovation in self-contained breathing apparatus design, use, or how self-contained breathing apparatus influences or interreacts with other pieces of firefighter protective clothing and equipment. I would certainly encourage those individuals concerned with regulation of firefighter SCBA consider that the breathing apparatus device is only one element in the firefighter protective envelope. And as one part of the whole, it must interreact with other parts, thereby assuring a high level of protection of the firefighter from all the hazards inherent in the most dangerous activity of firefighting.

Representatives have indicated a need for greater definition and expansion of comment within the existing regulations to assure a product which will serve their needs. While I certainly am aware of the problems of the manufacturers providing adequate equipment, I am also more concerned with the safety and efficiency

and wellbeing of the firefighter who must use that equipment. Others from the Fire Service have testified and will testify as to the need for technical standards that will address a variety of needs including, corrosion resistance, wear, capabilities of functioning within extreme temperature ranges, color of face pieces, method of donning the equipment properly, storage of the equipment, and many other factors attendant with the technical needs of SCBA.

I am also concerned with the liability factors for municipal managers and administrators, should this equipment certification process expire in 1979, without the opportunity of allowance for existing equipment.

There is a great potential for the leaders of the Fire Service and their communities to be placed in extremely high risk positions in terms of liability for firefighter injury using non-certified equipment. More so than the liability factor is the risk involved to the civilians who may, because of this liability factor, not be able to have interior fire attack and rescue efforts made because of the high risk factor for the firefighters and the liability factor for their fire chiefs. Certainly, no one in this room would wish that situation to occur, where a firefighter would not be permitted to enter a burning building to execute a rescue, as he was not wearing a certified piece of equipment, thereby imposing liability risk on his community. Yet, that danger is apparent and is real. In summary, may I restate that the International Association of Fire Chiefs requests an extension of the NIOSH/MESA regulation for self-contained breathing apparatus, Part II, to March 31, 1982.

Further, that any new regulations, or standards, which are established be performance oriented.

That such standards not be restrictive, so as to preclude innovations in design and use considerations.

Further, I would ask for a written statement from NIOSH/MESA, with your programs planned for information, implementation, or inclusion of the suggestions of those providing testimony at these hearings. I would also ask that this program statement be distributed to the Fire Service within 90 days after conclusion of these hearings.

May I further request an early decision as to the extension of the present March 31, 1979 deadline. The Fire Service needs this early decision in an effort to continue to request, allocate, or re-allocate, their resources, equipment, and logistical needs.

I appreciate the time you have permitted me to speak on behalf of this Association, and will be pleased to answer questions.