

110TH CONGRESS
2D SESSION

S. 2887

To direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national consensus standards and any barriers to achieving compliance with such standards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2008

Mr. BROWN (for himself, Mr. KERRY, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national consensus standards and any barriers to achieving compliance with such standards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Firefighter Fatality
5 Reduction Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Each year in the United States, over 100
2 firefighters die in the line of duty, while an addi-
3 tional tens of thousands of firefighters are injured.

4 (2) The Federal Government has a vested inter-
5 est in protecting firefighter health and safety, as it
6 relies on local fire departments to efficiently and ef-
7 fectively implement the National Response Frame-
8 work in the response to major disasters.

9 (3) Adequate training, proper personal protec-
10 tive equipment, safe staffing levels, safe operating
11 procedures, and physical and mental fitness of fire-
12 fighters can reduce avoidable firefighter fatalities.

13 (4) The fire services, in conjunction with Gov-
14 ernment agencies and interested private-sector par-
15 ties, has partnered with standards-making bodies to
16 develop national consensus standards for safe fire
17 department operations and fire fighting capabilities.

18 (5) Such standards are widely respected and
19 promoted by all facets of the fire service to better
20 ensure firefighter health and safety.

21 (6) Through its Firefighter Fatality Investiga-
22 tion and Prevention Program, the National Institute
23 for Occupational Safety and Health has identified
24 the failure to follow specific national consensus

1 standards as a contributing factor in many fire-
2 fighter deaths.

3 (7) A comprehensive accounting of fire depart-
4 ment compliance with national consensus standards
5 would help policy makers seeking to enhance public
6 safety and reduce avoidable firefighter fatalities.

7 **SEC. 3. DEFINITIONS.**

8 In this Act—

9 (1) the term “fire department” includes a ca-
10 reer, volunteer, or combination fire department oper-
11 ated by the Federal Government, a State, or a local
12 government;

13 (2) the term “fire service” has the meaning
14 given that term in section 4 of the Federal Fire Pre-
15 vention and Control Act of 1974 (15 U.S.C. 2203);

16 (3) the term “national consensus standards”
17 means the most recently issued national consensus
18 standards for staffing, training, safe operations, per-
19 sonal protective equipment, and fitness relating to
20 fire department operations and firefighting practices,
21 as of the date of the enactment of this Act.

22 (4) the term “Secretary” means the Secretary
23 of Homeland Security; and

1 (5) the term “Task Force” means the Task
2 Force to Enhance Firefighter Safety established
3 under section 5(a).

4 **SEC. 4. SURVEY BY THE DEPARTMENT OF HOMELAND SE-**
5 **CURITY.**

6 (a) SURVEY REQUIRED.—Not later than 120 days
7 after the date of enactment of this Act, the Secretary shall
8 begin to conduct a survey of each fire department located
9 in the United States, under which the Secretary shall de-
10 termine whether each such fire department is in compli-
11 ance with national consensus standards.

12 (b) REPORT.—Not later than 2 years after the date
13 of enactment of this Act, the Secretary shall submit to
14 Congress a report on the findings of the survey required
15 under subsection (a), including an accounting of whether
16 each fire department located in the United States is in
17 compliance with national consensus standards.

18 **SEC. 5. ESTABLISHMENT OF TASK FORCE TO ENHANCE**
19 **FIREFIGHTER SAFETY.**

20 (a) ESTABLISHMENT.—Not later than 120 days after
21 the date on which the Secretary submits the report to Con-
22 gress required under section 4(b), the Secretary shall es-
23 tablish a task force to be known as the Task Force to
24 Enhance Firefighter Safety.

25 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—The members of the Task
2 Force shall be appointed by the Secretary and shall
3 include—

4 (A) representatives of national organiza-
5 tions representing firefighters and fire chiefs;

6 (B) individuals representing standards-set-
7 ting and accrediting organizations relating to
8 fire department operations and firefighting
9 practices, including representatives from the
10 voluntary consensus codes and standards devel-
11 opment community; and

12 (C) other individuals as the Secretary de-
13 termines to be appropriate.

14 (2) REPRESENTATIVES OF OTHER DEPART-
15 MENTS AND AGENCIES.—The Secretary may invite
16 representatives of other departments and agencies of
17 the Federal Government that have an interest in the
18 fire service to participate in the meetings and other
19 activities of the Task Force.

20 (3) NUMBER; TERMS OF SERVICE; PAY AND AL-
21 LOWANCES.—The Secretary shall determine the
22 number, terms of service, and pay and allowances of
23 members of the Task Force appointed by the Sec-
24 retary, except that a term of service of any such
25 member may not exceed 2 years.

1 (c) RESPONSIBILITIES.—The Task Force shall de-
2 velop a plan to enhance firefighter safety by increasing
3 fire department compliance with national consensus stand-
4 ards. In developing the plan under this subsection, the
5 Task Force shall consider ways in which the Federal Gov-
6 ernment, States, and local governments can promote, en-
7 courage, or require fire departments to comply with na-
8 tional consensus standards.

9 (d) REPORT TO CONGRESS.—Not later than 1 year
10 after the date on which the Secretary establishes the Task
11 Force, the Task Force shall submit to Congress and the
12 Secretary a report containing the findings and rec-
13 ommendations of the Task Force together with the plan
14 described in subsection (c).

○