

Y4
. P 84/10

1022

91Y4
P84/10
91-29

91-29 EXTEND EARLY RETIREMENT PROVISION TO FIREFIGHTERS

GOVERNMENT
Storage

DOCUMENTS

NOV 17 1970

HEARINGS

THE
KANSAS
SU

669242 009TTA
A11600 742893



BEFORE THE
COMMITTEE ON RETIREMENT, INSURANCE,
AND HEALTH BENEFITS

OF THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

SECOND SESSION

ON

S. 578 and H.R. 422

BILLS TO INCLUDE FIREFIGHTERS WITHIN THE PROVI-
SIONS OF SECTION 8336(c) OF TITLE 5, UNITED STATES
CODE, RELATING TO THE RETIREMENT OF GOVERN-
MENT EMPLOYEES ENGAGED IN CERTAIN HAZARDOUS
OCCUPATIONS

SEPTEMBER 29 AND 30, 1970

Serial No. 91-29

Printed for the use of the
Committee on Post Office and Civil Service



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1970

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

THADDEUS J. DULSKI, New York, *Chairman*

DAVID N. HENDERSON, North Carolina, *Vice Chairman*

ARNOLD OLSEN, Montana
MORRIS K. UDALL, Arizona
DOMINICK V. DANIELS, New Jersey
ROBERT N. C. NIX, Pennsylvania
JAMES M. HANLEY, New York
CHARLES H. WILSON, California
JEROME R. WALDIE, California
RICHARD C. WHITE, Texas
WILLIAM D. FORD, Michigan
LEE H. HAMILTON, Indiana
FRANK J. BRASCO, New York
ROBERT O. TIERNAN, Rhode Island
GRAHAM PURCELL, Texas

ROBERT J. CORBETT, Pennsylvania
H. R. GROSS, Iowa
GLENN CUNNINGHAM, Nebraska
EDWARD J. DERWINSKI, Illinois
ALBERT W. JOHNSON, Pennsylvania
DANIEL E. BUTTON, New York
WILLIAM L. SCOTT, Virginia
JAMES A. McCLURE, Idaho
THOMAS J. MESKILL, Connecticut
DONALD E. LUKENS, Ohio
LAWRENCE J. HOGAN, Maryland

CHARLES E. JOHNSON, *Chief Counsel and Staff Director*

B. BENTON BRAY, *Associate Staff Director*

JOHN H. MARTINY, *Counsel*

WILLIAM A. IRVINE, *Assistant Staff Director*

THEODORE J. KAZY, *Senior Staff Assistant*

VICTOR C. SMIROLODO, *Senior Staff Assistant*

FRANCIS C. FORTUNE, *Coordinator*

SUBCOMMITTEE ON RETIREMENT, INSURANCE, AND HEALTH BENEFITS

DOMINICK V. DANIELS, New Jersey, *Chairman*

DAVID N. HENDERSON, North Carolina

JAMES M. HANLEY, New York

FRANK J. BRASCO, New York

ROBERT N. C. NIX, Pennsylvania

WILLIAM L. SCOTT, Virginia

DONALD E. LUKENS, Ohio

LAWRENCE J. HOGAN, Maryland

Ex Officio Voting Members

THADDEUS J. DULSKI, New York

ROBERT J. CORBETT, Pennsylvania

(Ralph J. Devlin, Staff Assistant, Room 207, Cannon Building—Ext. 6831)

CONTENTS

	Page
Testimony of—	
Griner, John F., president, the American Federation of Government Employees, AFL-CIO, accompanied by Carl K. Sadler legislative representative, and James H. Lynch assistant legislative representative-----	14
Kelley Hon. Roger T., Assistant Secretary of Defense for Manpower and Reserve Affairs; accompanied by William C. Valdes, Staff Director, Office of Civilian Personnel Policy; Lawrence Duhrkoop, Fire Protection Administrator, Naval Materiel Command Headquarters; and Stephen P. Davison, Fire Prevention and Protection Branch, Office of the Army Chief of Engineers-----	45
McCart, John A., operations director, Government Employees Council, AFL-CIO-----	26
Ruddock, Hon. Andrew E., Director, Bureau of Retirement, Insurance, and Occupational Health U.S. Civil Service Commission--	37
Waller Jack A., legislative representative, International Association of Fire Fighters, AFL-CIO, accompanied by Alvin E. Davis, Federal staff representative, IAFF-----	4
Wolkomir, Nathan T., president, National Federation of Federal Employees, accompanied by Howard Feldman, assistant for legal and employee relations, National Federation of Federal Employees..	31
Statement of—	
Lyons, Kenneth T., national president, National Association of Government Employees-----	56
Matsunaga, Hon. Spark M., a Representative in Congress from the State of Hawaii-----	55
Additional material—	
S. 578, subject of hearing-----	1
Agency reports from—	
Defense, Assistant Secretary, letter dated September 8, 1970..	2
Civil Service Commission, letter dated September 9, 1970-----	3
Office of Management and Budget, letter dated September 17, 1970-----	4
Federal agency employees now receiving hazardous duty retirement benefits, list of-----	11
Losses, injuries, and deaths resulting from fires on Federal installations, worldwide-----	53
Data on fatalities for firefighters in the DOD-----	54
Communications from—	
Griner, John F., president, American Federation of Government Employees-----	21
McCart, John A., operations director, Government Employees Council, AFL-CIO-----	31

CONTENTS

1. Introduction 1

2. The History of the Project 5

3. The Methodology 10

4. The Results 15

5. The Discussion 20

6. The Conclusion 25

7. The Appendix 30

8. The Bibliography 35

9. The Index 40

10. The Glossary 45

11. The Acknowledgments 50

12. The Author's Note 55

13. The References 60

14. The Figures 65

15. The Tables 70

16. The Figures 75

17. The Tables 80

18. The Figures 85

19. The Tables 90

20. The Figures 95

21. The Tables 100

22. The Figures 105

23. The Tables 110

24. The Figures 115

25. The Tables 120

26. The Figures 125

27. The Tables 130

28. The Figures 135

29. The Tables 140

30. The Figures 145

31. The Tables 150

32. The Figures 155

33. The Tables 160

34. The Figures 165

35. The Tables 170

36. The Figures 175

37. The Tables 180

38. The Figures 185

39. The Tables 190

40. The Figures 195

41. The Tables 200

42. The Figures 205

43. The Tables 210

44. The Figures 215

45. The Tables 220

46. The Figures 225

47. The Tables 230

48. The Figures 235

49. The Tables 240

50. The Figures 245

51. The Tables 250

52. The Figures 255

53. The Tables 260

54. The Figures 265

55. The Tables 270

56. The Figures 275

57. The Tables 280

58. The Figures 285

59. The Tables 290

60. The Figures 295

61. The Tables 300

62. The Figures 305

63. The Tables 310

64. The Figures 315

65. The Tables 320

66. The Figures 325

67. The Tables 330

68. The Figures 335

69. The Tables 340

70. The Figures 345

71. The Tables 350

72. The Figures 355

73. The Tables 360

74. The Figures 365

75. The Tables 370

76. The Figures 375

77. The Tables 380

78. The Figures 385

79. The Tables 390

80. The Figures 395

81. The Tables 400

82. The Figures 405

83. The Tables 410

84. The Figures 415

85. The Tables 420

86. The Figures 425

87. The Tables 430

88. The Figures 435

89. The Tables 440

90. The Figures 445

91. The Tables 450

92. The Figures 455

93. The Tables 460

94. The Figures 465

95. The Tables 470

96. The Figures 475

97. The Tables 480

98. The Figures 485

99. The Tables 490

100. The Figures 495

EXTEND EARLY RETIREMENT PROVISION TO FIREFIGHTERS

TUESDAY, SEPTEMBER 29, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RETIREMENT, INSURANCE, AND HEALTH
BENEFITS, COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 421, Cannon House Office Building, Hon. Robert N. C. Nix (acting chairman) presiding.

Mr. Nix. The Subcommittee on Retirement, Insurance, and Health Benefits is meeting this morning to consider the Senate-passed bill, S. 578, to extend to Federal firefighting personnel the early retirement provision of the civil service retirement law applicable to Federal law enforcement personnel.

Section 8336(c) of title 5, United States Code, grants special early retirement privileges to employees serving in positions of which the duties are hazardous and primarily involve the investigation, apprehension, or detention of persons suspected or convicted of criminal offenses. After the attainment of age 50 and after having served at least 20 years in such capacity, the employee may retire upon the recommendation of the agency head and the approval of the Civil Service Commission.

To make such early retirement economically feasible, an unreduced annuity is provided equaling 2 percent of the employee's high 3-year average salary, multiplied by his total years of service.

Without objection, copies of S. 578 and the related agency reports on an identical bill, H.R. 422, will be inserted into the record at this point.

(The bill and reports follow :)

[S. 578, 91st Cong., second sess., as passed the Senate]

A BILL To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment".

SEC. 2. The amendment made by this Act shall be applicable only in the case of persons retiring after the date of enactment of this Act.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 8, 1970.

HON. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service,
 House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN : S. 578 91st Congress, a bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations, was passed by the Senate on August 18, 1970 and, we understand, is currently pending consideration by your committee.

The Department of Defense employs most of the firefighters working in the Federal Government and, for this reason, I wish to take this opportunity to emphasize to you and the members of your committee that the Department considers this costly legislation wholly unnecessary and one which would create inequities within the Department of Defense among other employees engaged in occupations as hazardous or arduous as that of firefighter.

The present provisions of section 8336(c) provide preferential early retirement at age 50 with 20 years of service to certain law enforcement personnel based on a need to maintain a young and vigorous law enforcement work force. Presumably the basis for S. 578, which would include firefighters within the coverage of section 8336(c), is that firefighters' duties are especially hazardous and that a need exists to encourage older firefighter personnel to retire thereby achieving a younger and more vigorous firefighter work force.

While some municipal fire departments provide for early retirement to maintain a younger and more vigorous firefighting work force, we do not believe that the same requirement exists with regard to Federal firefighters. Early retirees from the military services and from municipal fire departments have proven to be a valuable source of recruitment for physically and technically qualified Federal firefighters, an indication that early retirement is not an essential requirement in the maintenance of effective Federal fire departments.

There is generally a lower incidence and lesser severity in fires at Federal installations. This results from fire prevention programs, control of personnel, location of buildings, and other conditions at Federal installations being subject to a far greater degree of supervision, inspection and regulation than is possible in a municipal setting. For example, a review of firefighting experience in the Department of the Army reveals that only one fatality among fire department personnel has occurred since 1952 which involves about 170,000 firefighter man-years. Total injuries resulting from fires at Army installations average about 95 per year, mostly to building occupants and not to firefighters, with no known major injuries to either occupants or firefighters. Generally, the reported injuries involve cuts, burns and abrasions, approximately one third of which involve firefighter personnel (about 30 per year). Approximately 600 fires involving a fire loss of \$100 or more each occur annually in Army installations which average less than two fires per installation per year. A recent study by the Department of the Navy reveals that the average firefighter employed by the Navy responds to one call to 50-90 calls responded to by a municipal firefighter.

Since other groups of employees within the Department of Defense, and in other Federal agencies, are engaged in occupations at least as arduous and hazardous as firefighters, we are concerned that the preferential treatment of firefighters in this legislation will only lead to similar requests from these occupational groups. Among the other groups in the DOD which could request consideration equal to that of firemen are ordnancemen who work with explosive and incendiaries, employees who work on scaffoldings and structures 100 feet or more above ground-level, laboratory employees who work with toxics and micro-organisms, employees working with missiles during "ready go" status, employees assigned aboard aircraft during flight tests, and employees assigned on submarines during seagoing trials.

We concur with the U.S. Civil Service Commission in the view that the civil service retirement system is not the appropriate medium for solving the special personnel problems of different occupational groups. Over the years, special retirement provisions have been proposed for customs inspectors, appraiser guards, Panama Canal ship pilots, coal mine inspectors and investigators, and many other groups of employees whose occupations subject them to unusual hazards. A chaotic situation could develop rapidly if the retirement law were amended to provide different sets of rules for these various occupations which subject employees to hazards.

Although the costs of S. 578 would not directly affect expenditures of the Department of Defense, the U.S. Civil Service Commission advises that enactment of S. 578 would increase the unfunded liability of the Civil Service Retirement and Disability Fund by \$176.2 million. Under the provisions of Public Law 91-93, this legislation would be deemed to authorize equal annual installments to finance the added unfunded liability. Each of the installments would amount to \$9,225,000.

In light of the absence of a demonstrable need for this legislation, the inequitable treatment of groups of Federal employees exposed to hazards which would result, the undesirable precedent which would be established by setting up different rules for different occupational groups, and the added unfunded liability to the retirement fund, we hope that S. 578 will not be favorably acted upon by your committee.

Sincerely,

ROGER T. KELLEY,
*Assistant Secretary of Defense for
Manpower and Reserve Affairs.*

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., September 9, 1970.

HON. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in further reply to your request for the Commission's views on H.R. 422, a bill "To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations."

Section 8336(c) grants special early retirement privileges to employees serving in positions the duties of which are hazardous and involve primarily the investigation, apprehension, or detention of persons suspected or convicted of criminal offenses. They may retire after attaining age 50 and serving at least 20 years in such capacity. Retirement in each instance must be recommended by the agency head and approved by the Civil Service Commission. Annuity allowable under this provision equals 2 percent of the employee's high-3 average salary multiplied by his years of service with an 80-percent-of-average-salary maximum.

We do not believe the civil service retirement system is the appropriate medium for solving the special personnel problems of different occupational groups. We think a chaotic situation could develop rapidly if the retirement law were amended to provide different sets of rules for various occupations which subject the employees to hazards. Over the years, special retirement provisions have been proposed for customs inspectors, office deputy marshals, civilian marine officers, immigrant inspectors, appraiser guards, Panama Canal ship pilots, coal mine inspectors and investigators, and many other groups of employees whose occupations subject them to unusual hazards. We have not favored enactment of any of these proposals.

Section 8336(c) was initially limited in application to agents and similar employees of the Federal Bureau of Investigation. Over the years, the provision was extended to other law-enforcement employees but coverage was always limited to people performing duties involving primarily the investigation, apprehension or detention of criminals or suspected criminals.

The justification advanced for the adoption of the more liberal retirement provisions for law-enforcement officers is that law-enforcement activity requires a staff of active, vigorous, physically capable men. It is thought that the special treatment provided law-enforcement officers would encourage young people to enter and remain in law-enforcement work, and older people to leave at an earlier age than they otherwise would. The more generous method of computing annuity in these cases is provided, not as a reward for the type of service performed or for hazards incident to the employment, but because a more liberal formula is needed to make such earlier retirement (with resultant shorter service) economically possible.

While most firefighters are doubtless subject to hazards not present in more sedentary occupations, they are nevertheless clearly outside the purpose for which Congress has consistently reserved the special retirement provisions. We see no justification for departing from the precedent established by Congress and

we accordingly do not favor extending the retirement provisions in question to firefighters.

H.R. 422 proposes extending coverage of section 8336(c) to some 12,300 firefighters, who are now subject to the retirement provisions applicable to employees generally. The bill would operate prospectively, applying only to firefighters in service on or after the date of enactment. Enactment of H.R. 422 would increase the unfunded liability of the Civil Service Retirement and Disability Fund by \$176.2 million. Under the provisions of Public Law 91-93, this legislation would be deemed to authorize equal annual installments to finance the added unfunded liability. Each of the thirty installments would amount to \$9,255,000, with the first installment due June 30, 1971.

The Commission believes that H.R. 422 should not be enacted and recommends adverse action on the bill.

The Office of Management and Budget advises that there is no objection to the submission of this report, and that enactment of H.R. 422 would not be consistent with the administration's objectives.

By direction of the Commission :

Sincerely yours,

ROBERT E. HAMPTON, *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 17, 1970.

HON. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service, House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to the committee's request for the views of the Office of Management and Budget on H.R. 422, "To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations."

We concur in the views expressed in the report the Civil Service Commission has submitted on this bill, and accordingly, recommend against its favorable consideration. Enactment of H.R. 422 would not be consistent with the administration's objectives.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

MR. NIX. The first witness before the subcommittee this morning is Mr. Jack A. Waller, legislative representative, International Association of Fire Fighters, AFL-CIO, accompanied by Mr. Alvin E. Davis, Federal staff representative.

Gentlemen, we welcome you to this hearing. You may proceed.

STATEMENT OF JACK A. WALLER, LEGISLATIVE REPRESENTATIVE, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO; ACCOMPANIED BY ALVIN E. DAVIS, FEDERAL STAFF REPRESENTATIVE

MR. WALLER. Thank you, Mr. Chairman. Our organization especially wants to thank Chairman Daniels and this committee for arranging this hearing and especially to you, Congressman Nix and Congressman Hogan, for being here this morning so this meeting can take place. Also our deep appreciation to staff who arranged for taking care of us.

For the record, I am Jack Waller, legislative representative of the International Association of Fire Fighters. With me this morning is

Alvin E. Davis, our representative in charge of our Federal firefighters.

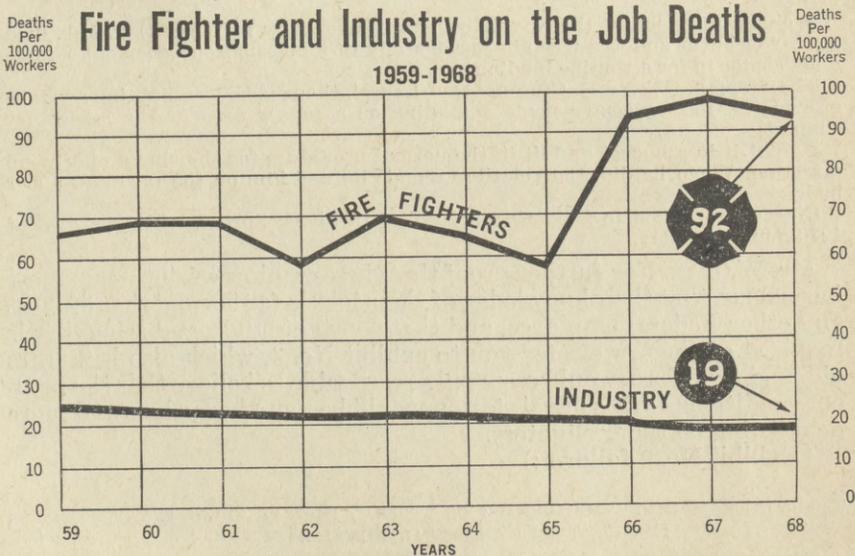
Mr. Chairman and members of the subcommittee, the International Association of Fire Fighters, AFL-CIO, represents approximately 150,000 paid professional firefighters in the United States and Canada. We also represent a large portion of the approximate 11,000 U.S. Federal civilian firefighters who would come under the provision of this legislation.

I would like to comment that our estimate has shrunk to what we believe is approximately 9,000 now.

The occupation of firefighting is one of the most hazardous in the world. The fact that the firefighters' fatality rate is 275 percent greater than the rate for the overall work force certainly substantiates this statement. We would like to refer to the back part of exhibit 1 which is a compilation by our research department of the IAFF and National Safety Council, Department of Statistics, Government Bureau, and the Federal Bureau of Investigation. Although this survey is 2 years old, the new one for 1969 is in the process of being completed now. This survey shows that firefighters suffer 92 deaths per year per 100,000 firefighters.

As it is true that most of our statistics are for all firefighters and are not broken down as to only those in the Federal force, we can only assure you that the records are comparable.

(Exhibit No. 1 follows:)



Mr. WALLER. We refer you to exhibit No. 2. This not only provides you with positive proof that Federal firefighters do lose their lives in the line of duty, but it is concrete evidence that Federal firefighters' duties are hazardous and, also, their assigned duties are many and varied.

(Exhibit No. 2 follows:)

[From the Washington Daily News]

BENEFITS NEAR FOR FIREMEN

(By John Cramer)

Federal firefighters, who total some 11,000 Government-wide, now have an excellent chance of winning liberalized new retirement benefits which would put them on the same footing as FBI agents and other law enforcement officers.

A bill by Sen. Ernest Hollings (D., S.C.), to accomplish this won unanimous approval in the Senate. It now has the o.k. of a House Civil Service Subcommittee, headed by Rep. Dominick Daniels (D., N.J.), and bright prospects of final enactment before Congress adjourns.

Under it, firemen could retire at 50 after 20 years of service—as contrasted with retirement at 55 after 30 years for most other employes.

Also, their annuities would be computed by multiplying five-year-high average salary by years of service, and then by a flat 2 per cent. For most others it's 1.5 per cent for the first five years; 1.75 for the next five; and 2.0 for all remaining service.

The battle for the Hollings bill has been led by the AFL-CIO Fire Fighters. If there's remaining opposition it will come from members of Congress who are less than convinced that fire fighting is a hazardous occupation.

It's strange they should have doubts.

But if doubts remain, they should consider the tragic case of the Naval Ordnance Laboratory fireman who was killed Thursday in the course of a routine drill.

Somehow, he triggered a fragmentation bomb instead of a smoke bomb.

GRENADE ACCIDENT FATAL TO FIREMAN AT ORDNANCE LAB

A civilian fireman at the Naval Ordnance Laboratory in White Oak, Md., died Friday of burns suffered when he accidentally lit a phosphorous grenade to guide a helicopter in for a routine landing.

The fireman, Ophery H. Gibson, 41, of Laurel, thought he was lighting a smoke grenade as the helicopter made a landing on a grassy area at the laboratory Thursday.

He put it in a bucket and lit it, the normal procedure for showing a pilot wind direction. When he did, the volatile grenade burned him on the face and upper body.

Gibson was taken to Holy Cross Hospital in Silver Spring, where he died at 1:10 a.m. yesterday.

Mr. WALLER. For further proof that these employees' duties are most hazardous, that their knowledge of their jobs is far beyond that of most any other Federal employee, and that constant study and schooling is required of them, we refer you to exhibit No. 3, which also is 2 years old, and therefore, would seem only reasonable to believe that the present conditions at this naval station would be more hazardous and more demanding on the firefighters.

(Exhibit No. 3 follows:)

TYPICAL EXAMPLE OF THE GROWTH OF FEDERAL INSTALLATIONS AND OF HAZARDS
ENCOUNTERED BY FEDERAL FIREFIGHTERS—1968

The Firefighter at the Charleston Naval Station is classified as Firefighter (Structural), GS-081-4. Many changes have occurred since the standard was written and the requirements for this position have greatly increased.

Study was made in 1953 when this same Shipyard had some 600 buildings and structures under one command, the Naval Shipyard Commodore. The Firefighter was rated as GS-081-4. Today this Naval Base is known as the Polaris Missile Center and is under the command of five admirals; the number of ships each day is approximately 80 in port; the acreage has grown to a staggering 3200 acres from 1090 acres in 1955; buildings and structures have been erected

over this area showing an increase of some 350/400, totaling approximately 1000; the square footage has doubled in millions; cranes, ARD's total approximately 400,000 square feet; square footage of marine craft, both nuclear and conventional, is approximately 3,500,000. Piers and wharves cover approximately 1,300,000 square feet. There are approximately 95 separate sprinkler systems throughout the Naval Base, as well as, smoke detection systems, Pyrotechnic alarms, CO² banks, etc.

Level of fire protection for this Naval Base is classified as "Class A" by the Office of the Chief of Naval Operations. The degree of fire expectancy and fire-severity is rated as "High" and dispersed by the Sixth Naval District Fire Marshal.

Some of the hazards from the fireman's point of view are special weapons, chemicals and waterfront craft. Various types of potential fire hazards peculiar to this installation are nuclear power, missiles, reactors, radio-active sources, liquid oxygen, highly flammable gaseous oxygen, stored radiation materials, removal of missile fuels, nuclear power reactors where situated, presence of numerous missile laden vessels, required stand-by services for transfer of LOX (liquid oxygen when combined with benzene becomes a highly explosive mixture), radiation materials, ammunition, missile loadings and unloadings.

Additional fire apparatus known as 06 CO₂ truck to be used primarily for nuclear submarine fires and utilized for helicopter stand-by's has been installed. A firefighter is assigned to drive and operate this unit. A 100-foot aerial ladder truck is part of the firefighting equipment and is operated by personnel of this Division.

Increased responsibilities are the result of the build-up of this activity and require the ability to develop new firefighting methods to combat the hazards for which no established techniques exist; i.e., use of new extinguishments on unconventional fuels.

Schooling, classroom work and pre-fire planning in nuclear spills, accidents, radiation hazards and now to minimize them have all increased the knowledges required of the GS-081-4 Firefighter. Dosimeters and film badges are now worn by all Firefighters and require that they have the knowledge and ability to correctly read these protective items. This requires that all Firefighters be given special training courses in the proper use of dosimeters and film badges.

Mr. WALLER. We, further, refer you to exhibit No. 4, another Federal installation whereby firefighters are required to daily handle chemicals and radioactive materials—since the date of this exhibit, the hazards have greatly increased. This is one of the smaller Federal installations. However, you will note that they responded to 596 emergency calls during the year of 1967, which is the latest record we have; 1969's record, no doubt, would be double that amount of responses.

Gentlemen, I would like to state both of these refer to the materials handled by firefighters at Federal installations. The facts are that nuclear materials are becoming quite commonplace in all installations and I have yet to see a standard operating procedure for a Federal installation where the firefighter is not the first individual called in a nuclear incident. It is becoming more and more prevalent throughout our country in our Federal installations.

Firefighters perform their duties during emergency situations, all times of the day and night, exposed to extreme heat and cold. His type of duty is often heavy, performed in extreme high temperatures. Noted physicians say that this is a burden on the cardiovascular system. The pulse rate increases and the stroke volume of the heart decreases.

They also perform much of their duties in extreme cold. Authorities, in their research, have found that this may produce persistent hypertension. A firefighter is exposed constantly to carbon dioxide and other poisonous gases, which unquestionably do damage to the heart and vascular system.

At a nearby Federal installation, in a 5-year period, 10 percent of the firefighting force was lost because of heart ailments—the average age of these men was only 44 years.

(Exhibit No. 4 follows:)

1967 RECORD NIH FIRE DEPARTMENT

Total fire department responses, 596.

Chemical emergencies, 98. Unknown: 50 night, weekends, etc., with no lab personnel available for information or assistance. Unlabeled containers.

Odors: 66 unable to detect odors while wearing protective equipment.

Explosions, 3. Unknown substances, 2. Known substances, 1.

Explosions while disposing of used chemicals, 6; 2 firemen injured in 1, 1 fireman injured in 3.

Firemen continuously exposed to fumes while disposing of chemicals. Firemen receive numerous burns while performing work.

Leaking cylinders, 5. All types of exotic gasses being used on reservation for research.

Used and old chemical pickups, 1,274. Pounds picked up, 121,647. Gallons picked up, 11,476.

All chemicals are handled at least four times in process of picking up and disposing, making a minimum of 6,096 times these must be handled. This phase of our work is increasing each year. Numerous gallons and pounds of these chemicals are unlabeled, old and highly unstable due to the forming of Peroxides caused by age and deterioration. These peroxides are highly explosive—can be exploded by a very light shock or change in temperature. Approximately 35 percent are contaminated with infectious diseases.

Firefighters are subjected to radiation in numerous cases and various degrees while answering emergency calls in all Laboratories.

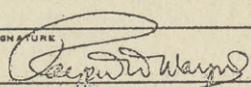
Emergency calls: 179 (chemical emergencies, odors, explosions); 31 (fires)—24 (laboratory), 7 (vehicle); 286 (fire odors and rescue); and 100 (service calls).

Chemical pickups as of June 31, 1966, 650.

Chemical pickups as of June 31, 1967, 700.

Mr. WALLER. As further proof that firefighting at Federal installations is considered by the Federal Government as hazardous duty, we call to your attention exhibits Nos. 5 and 6; No. 5 is an Air Force form entitled "Medical Recommendations for Hazardous Occupation Duty," that of firefighter Charles Hamill, Edwards Air Force Base.

(Exhibit No. 5 follows:)

AFFTC FORM 0-53 APR 63		MEDICAL RECOMMENDATIONS FOR HAZARDOUS OCCUPATION DUTY <small>(Detach Diagnosis for other than medical use of form)</small>	
TO: FTY Edwards Air Force Base, California		FROM: Chief Occupational Medicine Aerospace Medicine Edwards Air Force Base, California	
CERTIFICATE <input type="checkbox"/> I certify that I have been notified of the recommendations below and understand the action being taken this date. <input type="checkbox"/> I have officially been notified this date that I am medically qualified for hazardous occupation duty. <input type="checkbox"/> I have officially been notified this date that I have been declared medically disqualified for hazardous occupation duty.		1. LAST NAME - FIRST NAME - MI HAMILL, Charles H.	2. GRADE A FCivilian
		3. SERVICE NUMBER XXXXXXXXXXXX	4. HAZARDOUS OCCUPATION Firefighter
		5. ORGANIZATION FTY-Civil Engineering	6. OFFICE SYMBOL FTYAF-2
		7. SUPERVISOR	8. DUTY PHONE
		9. ACTUAL DATE FOUND MEDICALLY INCAPACITATED TO WORK AT HAZARDOUS OCCUPATION (Day, Month, Year)	
SIGNATURE OF HAZARDOUS OCCUPATION EMPLOYEE		10. ESTIMATED DURATION OF INCAPACITY TO WORK AT HAZARDOUS OCCUPATION	
11. CLEARANCE FOR HAZARDOUS OCCUPATION DUTY IS GIVEN UNDER THE FOLLOWING CONDITIONS		12. TYPE OF ACTION RECOMMENDED (Check One)	
<input type="checkbox"/> PREPLACEMENT MEDICAL EXAMINATION		<input type="checkbox"/> TEMPORARY REMOVAL FROM HAZARDOUS OCCUPATION WORK AREA PENDING FURTHER MEDICAL EVALUATION	
<input checked="" type="checkbox"/> ANNUAL MEDICAL EXAMINATION		<input type="checkbox"/> INDEFINITE REMOVAL FROM HAZARDOUS OCCUPATION WORK AREA DUE TO MEDICAL DISQUALIFICATION. MEDICAL RE-EVALUATION WILL BE CONSIDERED AFTER DATE SHOWN IN REMARKS	
<input type="checkbox"/> MEDICAL QUALIFICATION FOLLOWING INCAPACITY		<input type="checkbox"/> PERMANENT MEDICAL DISQUALIFICATION FOR WORK IN HAZARDOUS OCCUPATION	
<input type="checkbox"/> OTHER REQUIREMENT FOR CLEARANCE (Specify)			
REMARKS Cleared until 11 Oct 68			
NAME OF OCCUPATIONAL MEDICINE OFFICER (Type or Print)		SIGNATURE	
RALPH W. WAYNE, Capt, USAF, MC			
<small>DIAGNOSIS (State most serious condition first. Specify resultant conditions from any disability.)</small>			

AFFTC FORM 0-53
APR 63

Mr. WALLER. Exhibit No. 6 is U.S. Civil Service Form 8, entitled "Position Description"—in it you will note that in the words of the Civil Service Commission, a Federal firefighter is expected to perform his duties with utmost proficiency in the face of personal danger. Consequently, this position falls within the category of a hazardous duty occupation.

(Exhibit No. 6 follows:)

ALLOCATION BY		CLASS TITLE OF POSITION	CLASS			INITIALS	DATE
Civil Service Commission			Service	Series	Grade		
b. Department, agency, or establishment	Fire Fighters (General)		P.S.	081	05	JFK	6/10/64
c. Bureau							
d. Field office							
e. Recommended by initiating office	Driver-Operator, Firefighter (General)		GS	081	5		
9. Organizational title of position (if any) Driver-Operator		10. Name of employes (if woman, specify V-1, 2, 3, or 4)					
11. Department, agency, or establishment Federal Aviation Agency		e. Third subdivision Operations Division					
a. First subdivision Bureau of National Capital Airports		d. Fourth subdivision Aircraft Rescue & Firefighting Branch					
b. Second subdivision Washington National Airport		e. Fifth subdivision					
12. This is a complete and accurate description of the duties and responsibilities of my position		13. This is a complete and accurate description of the duties and responsibilities of this position Charles F. Petellat Charles F. Petellat (Signature of immediate supervisor) <i>Hayford</i> (Date)					
(Signature of employee) _____ (Date) _____		Title: Chief, Aircraft Rescue & Firefighting Br.					
14. Certification by head of bureau, division, field office, or designated representative <i>George M. Dyson</i> George M. Dyson (Signature) _____ (Date) _____		15. Certification by department, agency, or establishment _____ (Signature) _____ (Date) <i>6/10/64</i> (Date)					
Title: Chief, Operations Division		Title:					
16. Description of duties and responsibilities							
I. POSITION SUMMARY.							
Incumbent in this position serves as a member of the Aircraft Rescue and Firefighting Branch, Operations Division, Washington National Airport. This Branch is responsible for structural firefighting, aircraft crash rescue, water rescue, explosion and bomb threats on a twenty-four hour basis. Responsibility includes fire protection for a 2½-million gallon fuel storage facility and aircraft crash rescue services for a high density airport having over three hundred thousand aircraft movements yearly. Incumbent is required to drive and operate various types of structural, crash rescue, and water rescue apparatus and equipment. Specialized apparatus includes high capacity modern crash trucks, the operation of which requires a high degree of mental alertness and physical dexterity. <u>He is expected to perform his duties with utmost proficiency in the face of personal danger. Consequently, this position falls within the category of a hazardous duty occupation.</u>							

If more space is required, use the other side and additional pages also 2 x 14 1/2

GPO: 1963-O-662023

Mr. WALLER. We have not attempted to compare the duties of a Federal firefighter with that of any of the 14 or more other Federal employee groups that are already receiving hazardous duty retirement; however, we call to your attention exhibit No. 7, and leave to your fair judgment as to whether or not the firefighters should not have been included with this list of employees at the inception of the hazardous duty retirement law more than 20 years ago.

(Exhibit No. 7 follows:)

FEDERAL AGENCY EMPLOYEES NOW RECEIVING HAZARDOUS DUTY RETIREMENT
BENEFITS

Federal Bureau of Investigation; Secret Service; U.S. Marshalls; Department of Correction, District of Columbia Government; U.S. Prison Guards; Border Patrol; Fish and Wildlife Service; Headquarters of Special Investigation—Air Force; Headquarters of Special Investigation—Army; Headquarters of Special Investigation—Navy; U.S. Board of Parole; U.S. Custom Service; I.R.S., Agents and Investigators; and Immigration and Naturalization Service.

Mr. WALLER. Mr. Chairman, I am sure you are aware of the past history of this legislation, but for the record in the 90th session of Congress hearings were held on S. 1507, in both the Senate and House Post Office and Civil Service Committees; the bill passed the Senate, but died in the House. In the present 91st session of Congress, S. 578 passed the Senate on August 18, 1970. At previous hearings held by both Houses, members of both the House and the Senate testified before the committees in favor of this same legislation.

I wish to quote excerpts from Senator McGee's statements; in answer to Mr. Andrew E. Ruddock's Civil Service Commission testimony that this legislation would establish a bad precedent which could have far reaching and costly consequences. Senator McGee stated that he did not believe that granting hazardous duty retirement benefits to firefighters would open up a Pandora's box nor set a dangerous precedent. He further said that the legislation would correct a "flagrant case of unfairness," he added that this "open door business" does not apply in the case of firefighters because they represent a "conspicuous area of neglect and lack of foresight" on the part of the Congress. He pointed out that the committees of Congress would "consider each group on its own merits." In the case of the firefighters, he said, it appears evident that they deserve the slightly liberal retirement because of the hazardous duty they perform and, further, it would improve the efficiency of the fire service by making it a younger man's job.

The Congress has, quite properly we think, moved in the direction of comparability for Federal employees with that of private industry; however, the Federal firefighter has lagged far behind. Without going into great detail, in general, the municipal firefighters retire at 50 years of age, with 20 years of service at 50 percent of his salary at time of retirement. The bill before you, if passed, would only give a Federal firefighter retiring at 50 years of age and 20 years of service, 40 percent of his high 3 years.

Mr. Chairman, as to the cost of this legislation, we think the figures that have been presented are astronomical, let us just present plain figures that everybody can understand. Under the present retirement plan, using a GS-5 firefighter as an average with a 3-year average salary of \$10,000—which we believe is high—would, after 20 years of service, retire at \$3,625 per year. This legislation would give the same firefighter \$4,000 per year retirement or an increase of \$375 per year. Assuming that 200 firefighters retire each year, as has been previously stated by Civil Service Commission, we find that the cost per year would be \$75,000 instead of around \$550,000 as has been previously stated in exhibit No. 8, which is a letter by Mr. Ruddock to our organization.

(Exhibit No. 8 follows:)

U.S. CIVIL SERVICE COMMISSION,
BUREAU OF RETIREMENT AND INSURANCE,
Washington, D.C., September 16, 1968.

Mr. WILLIAM D. BUCK,
President, International Association of Firefighters,
Washington, D.C.

DEAR MR. BUCK: This is in reply to your letter of August 30, regarding our estimate of \$3.5 million as the added annual cost of S. 1507.

You are correct in feeling that this is not the first year cost, in the sense of actual benefits paid. On the stated assumption of about 200 retirements each year, the first year added benefit disbursement would be around \$550,000. In the second year, the benefit disbursement would exceed \$1 million. The annual disbursement would increase for a number of years as the number on the retired roll increased, rising above our estimated level annual cost of \$3.5 million.

The increasing annual cost on a disbursement basis, which would not level off until the retired roll had stabilized, is of course equivalent to the level annual cost of \$3.5 million. The only difference is in the way the cost figures are presented.

Sincerely yours,

ANDREW E. RUDDOCK, *Director.*

Mr. WALLER. Mr. Chairman and members of the committee, we respectfully urge that you give favorable consideration to this most justifiable piece of legislation long overdue.

Thank you for allowing us to appear before your committee to present our testimony.

Mr. NIX. Thank you, Mr. Waller. Without objection, the exhibits referred to, Nos. 1 through 8 will be inserted in the record at the point of reference by the witness for complete clarification of the issues in this case.

I might say, Mr. Waller, that if I were on a jury and the evidence presented was comparable to what you have presented to the committee today, there would be no question but that I would vote for the legislation.

Mr. HOGAN. I concur with Mr. Nix's observation. I am a former FBI agent. They have had the 20-year retirement policy for years and years and years, as far back as I can remember. All during my service we had the 20-year retirement. I know that Federal firefighting is a far more hazardous occupation than the FBI—FBI doesn't take very many chances. When there was a dangerous situation, we would always go out with ample numbers and with ample fire power to protect the personnel. But a man going out to fight a fire doesn't have that advantage. He is a victim of chance in too many instances.

I assure you of my complete support of this legislation. I think it's unfortunate that the 90th Congress let it die. As you know, it did get approval from this committee and the full committee, but it was killed on the House floor by a motion to recommit.

Hopefully, this year we will be able to do better than that, and I assure you of my complete support in that direction.

Mr. WALLER. I appreciate your remarks very much, Mr. Congressman.

Mr. NIX. Mr. Brasco?

Mr. BRASCO. This exhibit that you referred to a moment ago—"Federal Agency Employees Now Receiving Hazardous Duty Retirement Benefits," my material has no numbers.

Mr. WALLER. That is No. 7.

Mr. BRASCO. These people that you have on this exhibit all have a 20-year retirement; is that correct?

Mr. DAVIS. They come under the present law.

Mr. BRASCO. Would the law that you are testifying in behalf of this morning be equivalent in retirement benefits to the same as those 14 groups enumerated on this table?

Mr. WALLER. Yes.

Mr. BRASCO. Do you gentlemen know what the U.S. Board of Parole does? I don't mean to be naive, but if it's what I think it is, I don't know how hazardous a duty it is. I am curious. Maybe it's a different kind of board than what I am thinking of.

Mr. WALLER. I think it's the same one you are thinking of, Congressman. I don't think there is any question but what a firefighter's duties are far more hazardous. This is the whole crux of our presentation.

Mr. BRASCO. Thank you. I have no further questions.

Mr. NIX. Mr. Lukens?

Mr. LUKENS. I have none at this time, thank you, Mr. Chairman.

Mr. NIX. I would like the record to show at this point that Chairman Daniels is absent only because it was impossible for him to be here. There is not a more dedicated Member of Congress. I know of his concern for the welfare of all Federal employees. I am certain that he will give your views his very thorough consideration.

Do you wish to make a statement, Mr. Davis?

Mr. DAVIS. No thank you.

Mr. WALLER. Thank you, Mr. Chairman.

(The following letter was received by the subcommittee for inclusion in the record:)

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, D.C., September 30, 1970.

Regarding cost of S. 578.

We use the GS-5 firefighter at the top of his grade—\$10,000 per year (average 3-year high). Under the present retirement formula, a firefighter with 20 years of service and 50 years of age would receive \$3,625 per year pension. Under the proposed formula of a straight 2 percent per year the same firefighter would receive \$4,000 per year pension. That is an increase of \$375 per year per man. It is estimated that 200 firefighters would retire per year. This would effect an increased cost for the first year of \$75,000.

To fill these vacancies, the Government would appoint 200 GS-4 firefighters at a salary of \$5,853 plus 25 percent (notice we use only 72-hour per week firefighters, they being the only ones to receive the 25 percent or \$7,316 per year. \$10,000 per year salary of those retiring minus \$7,316 per year for their replacements effects a savings of \$2,684 per year per man. \$2,684 times 200 equals \$536,800 savings in salaries for the first year.

JACK A. WALLER,
Legislative Representative.

Mr. NIX. Our next witness is John F. Griner, president of the American Federation of Government Employees, AFL-CIO, accompanied by Carl K. Sadler, legislative representative, and James H. Lynch, assistant legislative representative. Welcome, gentlemen.

STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO; ACCOMPANIED BY CARL K. SADLER, LEGISLATIVE REPRESENTATIVE, AND JAMES H. LYNCH, ASSISTANT LEGISLATIVE REPRESENTATIVE

Mr. GRINER. Thank you, sir. I would like to change the table seating from Mr. Sadler and Mr. Lynch to Stephen Koczak, director of research, since the room at the table is rather limited.

For the record, my name is John F. Griner. I am national president of the American Federation of Government Employees. To my left is Mr. Stephen Koczak, the director of research for the American Federation of Government Employees.

The American Federation of Government Employees has a deep and continuing interest in legislation to provide a better and sounder retirement system for the Federal civil service. This interest arises from the fact that the AFGE is the largest organization of Federal employees with a membership exceeding 325,000 persons who are employed in every State and in numerous foreign countries in virtually every type of work outside the postal service.

Because of our enduring interest in a retirement system that periodically provides added benefit, we are grateful to Representative Dulski, the chairman of the Post Office and Civil Service Committee, for sponsoring H.R. 442, a companion bill to S. 578 which the Senate has already approved. We are also indebted to Congressman Daniels, the chairman, and to the other members of this retirement subcommittee for holding hearings today.

An equitable retirement system involves, by its very nature, a refined and flexible arrangement taking into account the real distinction of hazards and of physical and psychological pressures inherent in certain types of Federal jobs. It recognizes hazardous duty as exceptionally loyal and meritorious civil service.

Some important steps have already been taken in this direction, of course, in the past. Most of these are now incorporated in the language of subparagraph (c) of section 8336 of title 5, of the United States Code, under the heading of "Immediate Retirement." This subparagraph (c) takes proper cognizance of the physical and psychological hazards to which many employees are exposed who are involved with the investigations, apprehension and custody of criminals, with prisoners convicted of crimes, and with persons suspected of offenses against the criminal laws of the United States.

Our organization fully endorses the concepts and legal provisions involved in this subparagraph (c) because these concepts take into account the real distinctions of actual danger and hazard and of psychological and physical pressures to which these employees are exposed.

Firefighters today suffer under a system of triple discrimination. The first discrimination is that they are denied the right and opportunity to retire under the hazardous duty provisions of section 8336(c) of title 5 of the United States Code. This bill would eliminate that discrimination and inequity.

I should like the record to show that firefighters suffer in a very special way under a second discrimination. Their job descriptions and classifications regularly leave out the element of hazard.

Let me cite just one example typical of the situation of many Federal firefighters. It involves the plight of the firefighters at Coolidge Auxiliary Air Field, some 50 miles from Williams Air Force Base, Ariz.

A subsidiary or training base, the Coolidge Auxiliary Airport handles so-called touch and go type of landings.

The firefighters at the airfield are assigned grades of GS-4 and GS-5 based on routine and therefore incomplete job descriptions. The actual duties which they perform and the conditions under which they work expose them in fact to extraordinary hazards to health and safety. Yet, none of these duties have been incorporated in their position descriptions and they do not receive hazardous duty pay.

Because of the nature of the airport, the fire department equipment stands day and night out in the open weather, with no shelter at all. In summer the temperature is 110 degrees—in winter it is often below freezing. And the men who operate the equipment are themselves also exposed to this weather, without proper protection or shelter from the elements.

Every time the wind changes, the equipment must be moved from one end of the field to the other in order to afford the maximum fire protection to the landing and departing planes. Each time this equipment is moved, the firemen must plug and unplug high-voltage wires of 220 volts while standing over an iron grate at ground level without the protection of even a wooden platform. When it rains, the men must make these conversions at the constant risk of immediate electrocution because of the wet connectors.

The pilots landing and taking off at this field are student pilots. There are between 300 and 500 touchdowns and takeoffs of aircraft every day. Flares fly constantly to warn them that their projected landings are faulty. Tension and disaster stalk the field.

The average firefighter's workweek is 60 hours, for which he draws a 10-percent differential but has to work all holidays. Normally, of course, the 60 hours are composed of 8 hours on duty and 4 hours on standby duty per 12-hour day. But the firefighters at Coolidge Auxiliary Airport in fact are on "runway watch" the full 12 hours of each 12-hour day.

They are also exposed to unusual hazards. Yet they do not receive hazardous duty pay. In fact, for these 20 hours of overtime each week they draw a total compensation, at the GS-4, step 1 level, of \$585.30 per year or at the GS-4, step 4 level, of \$643.80. This averages out to approximately 50 or 60 cents per hour as their compensation.

Is this equal pay for equal work? Is this proper classification? And what of the hazards involved? Is this the meaning of the laws which Congress enacted in 1923 and 1949? I certainly do not think so. Yet the case has been brought to the attention of the Civil Service Commission, unfortunately without remedy to date or even the assurance of eventual remedy.

The third discrimination, which will remain even if this bill is passed, is the inequity, even the injustice, still being inflicted on Federal employees covered by the provisions of section 8336(c) of title 5, United States Code. This inequity comes from the demeaning manner in which that section is still being applied.

Our studies show that the time has come to redefine the reasons for allowing retirement at age 50 after 20 years of service in hazardous

duties. The time has come for the Federal Government to state that this retirement is in fact a recognition of the special type of service which hazard involves. We resent, for this reason, the language now still being used in the Federal Personnel Manual which states that the only reason this optional retirement is available is because, and I am quoting, "certain employees are no longer capable of carrying on efficiently, and their replacement by younger men would improve the service."

At another point, the Federal Personnel Manual states the following: "A more generous method of computing the amount of annuity is provided, not as a special reward for the type of service involved, but rather because a more liberal formula is usually necessary to make the earlier retirement, with resulting shorter service economically possible."

The AFGE repudiates this concept. These men are not a special category of charity cases—they have served their country well, risking life and health and limb; and they should be shown the very special gratitude of their employer, the Federal Government, for exceptional services well rendered.

In order to emphasize that the Federal Government is a good and honest employer, we ask the removal of all those features of the present law which now require both the agency head and the Civil Service Commission to determine, before authorizing the retirement, that in fact the individual is no longer capable of carrying on efficiently and that his replacement by a younger man would improve the service.

Specifically, we are requesting that upon application of the eligible employee his request for retirement must be honored and that the agency head and the Civil Service Commission have no other functions than to take note of the application for retirement and to determine whether the applicant is eligible according to his record and length of service. No determination should be made regarding his efficiency or whether any person could perform the job better, be that other person younger, older, or the same age.

We believe the law should be simple—if the man qualifies by age and by years of service, he should be given his annuity without any further action or comment by his agency.

We are requesting this change in the law not only to eliminate the present branding of the loyal employee as inefficient but also because the Congress, in other laws, has already recognized the principle that the employee need only ask for the retirement to which he is entitled. In this connection, I invite your subcommittee's attention especially to existing law which states that any Federal employee 55 years of age with 30 years of service will obtain an annuity simply by requesting it, meeting the other qualifications.

We believe that, just as those persons 55 years of age and working in nonhazardous occupations already can obtain retirement after 30 years of service simply by asking for it, any Federal employee 50 years of age with 20 years in a hazardous occupation should obtain it simply by asking for it. No one should be making humiliating judgments about the employee's efficiency.

Knowing the high standards and values this subcommittee places on human dignity and human respect, I know that all of you share this attitude of the American Federation of Government Employees.

Since so-called efficiency is an improper consideration and since retirement on length of hazardous service should be the only consideration. We are most earnestly also recommending that you consider reviewing next year the requirement that the employee asking for retirement must be in actual service in the hazardous position for at least 1 year immediately preceding retirement. In our opinion, the fact that the employee has already served 20 years in a hazardous occupation is sufficient grounds for his qualifying at age 50. Otherwise inequities could arise from accidental or intentional transfers of employees in hazardous occupations to nonhazardous duties just a short time before they become 50 years old.

The AFGE has a further argument which we would like to submit for your consideration in the future. As I stated earlier, our organization is in the forefront studying the problems of hazards in Government employment and in reorienting and modernizing ideas on this subject. One of the first results of our studies is the overwhelming conclusion that many other categories of Federal employees should be included in future legislation, together with law enforcement and fire-fighting employees, under the provisions of the hazardous employment retirement formula.

For this reason, we request your subcommittee to consider scheduling hearings in the next session of Congress for the provision of retirement at age 50 after 20 years of hazardous service for other groups, such as air traffic controllers, immigration inspection and customs control employees, civilian pilot instructors, certain categories of prison service and building guard personnel, officers and staff of the District of Columbia Juvenile Court, Deputy U.S. Marshals, as well as mine inspectors and psychiatric ward nurses.

In summary and conclusion, I wish to record once again that our organization endorses H.R. 422 and S. 578. We urge their earliest passage this year.

I wish again to record our deep appreciation for the kindness and courtesy your subcommittee has extended to the American Federation of Government Employees in permitting me to present this testimony to you today.

Mr. DANIELS. Thank you very much, Mr. Griner, for a very fine statement, and also for your kind comments with reference to this subcommittee.

I regret that I was not present when you commenced your statement. I would like to explain, however, that I also serve as chairman of the Subcommittee on Education and Labor, which had an executive session this morning in connection with a very important labor bill and, for that reason, I was absent. Mr. Nix very graciously presided during my absence.

However, I do want you to know that last evening, prior to going to bed, I read your statement and the statements of the other witnesses who are scheduled to testify this morning. So, I am familiar with the contents of your statement.

Mr. GRINER. Thank you, sir.

Mr. DANIELS. Mr. Griner, on page 2 of your statement you seem to utter the opinion, and endorse the concept, underlying the existing provision of law which grants law enforcement personnel more generous payment than is accorded other categories of Federal personnel. By so doing, is it your opinion that the primary purpose of providing

those employees with more favorable treatment is to facilitate the recruitment and retention of a younger, more viable force of personnel engaged in such activities?

Mr. GRINER. That is the position that the Commission has taken. It is my understanding that was not the purpose of the law. The purpose of the original law was to reward these people by early retirement for their participation in work which incurred undue hazards. Certainly the law enforcement officers are in that category.

The Commission has said in effect this: That the only reason we are doing this is in order to get the older people out and get younger people in. I don't think that was the purpose of the law, Congressman.

Mr. DANIELS. From what I have read and my understanding of the law, it was that by virtue of the performance of the extrahazardous duties, because of the strain that they were subjected to, that when they had served 20 years they were not as good, as spry, nor as efficient as they were when they were younger men. Therefore the idea was that after having served 20 years faithfully and efficiently, these men, being dedicated to the job for which they were hired, would have an opportunity of going out. Consequently the agency then could employ a younger man. Do you subscribe to that?

Mr. GRINER. I subscribe to that, but I don't subscribe to the idea of having to say that the man has become inefficient because of his age or because of some other condition and therefore he should be retired after 20 years of service and 50 years of age. You understand what I am asking for here is to give the man a right to retire without having to humiliate himself by saying that he has become inefficient. We don't do that in the case of a person who is 55 years of age and has 30 years of service. He has a definite right.

Mr. DANIELS. Do I understand you correctly, that in your opinion the employee, after 20 years of hazardous service, should have the option to voluntarily retire?

Mr. GRINER. That is right, sir.

Mr. DANIELS. And that the option be reserved unto the employee only?

Mr. GRINER. That is right.

Mr. DANIELS. Does your organization represent any significant number of firefighters?

Mr. GRINER. Yes, we do. We represent more firefighters in the Federal service than the balance of the organizations combined.

Mr. DANIELS. Can you indicate what number?

Mr. GRINER. Offhand I can't say because in most cases they are included with other occupations in a unit, which may be the entire base, say at an Air Force, Army or Veterans' Administration locale. They are not segregated, and so it is relatively difficult to say just how many.

Mr. DANIELS. What groups of law enforcement personnel are members of your organization?

Mr. GRINER. We have the border control, the penitentiary, we represent all of them.

Mr. DANIELS. What percentage of these law enforcement people, who are members of your organization, retire at the age of 50?

Mr. GRINER. A small percent. I am making an educated guess, but I would say not more than 40 percent of them, Congressman.

Mr. DANIELS. I think statistics will show that only a small percentage of law enforcement personnel do take advantage of their right to retire at age 50.

Mr. GRINER. That is right.

Mr. DANIELS. Do you believe that if this committee were to favorably approve legislation giving firefighters the same right as law enforcement personnel, to retire at age 50, that they would take advantage of this option?

Mr. GRINER. No more than the law enforcement people.

Mr. DANIELS. It would be only a small number taking advantage?

Mr. GRINER. About the same percentage. That is an opinion. In other words, when we reduce the age limit for retirement at age 55 and 30 years of service, I think the Commission overestimated the amount that would retire by about 3 to 1. In other words, the cost was not as much as the Commission would estimate it to be.

Mr. DANIELS. How many firefighters are there in the United States?

Mr. GRINER. You mean in the Federal service?

Mr. DANIELS. In the Federal service.

Mr. WALLER. The last figure we were able to find was about 9,000.

Mr. GRINER. Between 9,000 and 10,000.

Mr. DANIELS. Would that include some classified personnel as well?

Mr. GRINER. Yes, sir.

Mr. DANIELS. That would be in all branches of the service?

Mr. GRINER. Yes, sir.

Mr. DANIELS. Of that number, would you care to hazard a guess as to how many of the 9,000 to 10,000 would take advantage of such a law that we have under consideration?

Mr. GRINER. In other words, immediate advantage?

Mr. DANIELS. Yes.

Mr. GRINER. Not more than 2,000.

Mr. DANIELS. Have you estimated what that would cost each year?

Mr. GRINER. No, sir; I haven't.

Mr. DANIELS. I recognize the gentleman from Pennsylvania, Mr. Nix. Do you have any questions?

Mr. Nix. Just a couple of observations.

Mr. Griner, the thought that advancing age presupposes inefficiency is a most unpleasant thought. I think it would be rejected by any Member of Congress. It seems to me the thrust behind the request is the hazardous nature of the employment. I don't know of any presentation in the past on any proposed legislation that impressed me as to the need as this presentation has impressed me. I think it is apparent, even with a casual glance at the testimony, that this is something that should have been done long ago. I could have no answer except a favorable one. Thank you.

Mr. DANIELS. The gentleman from Ohio, Mr. Lukens.

Mr. LUKENS. Yes, thank you, Mr. Chairman.

Mr. Griner, I find myself in great sympathy with the intent of the bill, but I would also like to know about the other side of the coin. I understand the intent of forcing someone to retire who doesn't want to retire, but suppose someone doesn't want to retire and does not take advantage of the option that this law would make possible? What protection does he have or does the Government have on the other hand that

when a person does reach a point of say relative inefficiency, that they can protect the high level of efficiency of a firefighting organization or any other unit in this category?

Mr. GRINER. If a man is eligible to retire, let's say the man in this case was 50 years of age and had more than 30 years of service, the Government could then retire him because of disability. As I understand it, he would be eligible for this hazardous retirement.

Mr. LUKENS. Through this change then he would be able to retire, say, after 20 years of hazardous service?

Mr. GRINER. That is right.

Mr. LUKENS. Suppose he did not want to take advantage of it but his superior, along the line, had raised some question as to his efficiency? What protection does he have?

Mr. GRINER. The Government can prefer charges against him for inefficiency.

Mr. LUKENS. I am also fascinated, if you don't mind my saying, by the numbers involved here. You say 9,000 firefighters is the number basically represented?

Mr. GRINER. I would say the majority of those were in the Air Force.

Mr. LUKENS. And to repeat that once more—

Mr. GRINER. Probably the greater number is in the Air Force.

Mr. LUKENS. About 2,000 you think would take advantage of this legislation?

Mr. GRINER. That would be my guess, 2,000 over the next 3 years.

Mr. LUKENS. One last thing. Most of them are really on duty at airfields or aersites for pilot training?

Mr. GRINER. Not necessarily for pilot training. This one specific case that I cited was a pilot training case, but every Air Force base has a good-sized firefighting section.

Mr. LUKENS. But a large portion of the firefighters represented by AFGE are civilian employees at an Air Force installation?

Mr. GRINER. That is right. We also have them in the Army. The Army has firefighters, and especially around arsenals. They have a larger group around arsenals than they would around the ordinary post, let's say. I think the Air Force probably has more firefighters than the balance of the agencies combined. I am guessing at this, but this is through experience, you understand, Congressman.

Mr. DANIELS. I recognize the gentleman from New York, Mr. Brasco. Do you have any questions?

Mr. BRASCO. Yes.

Mr. Griner, I appreciate that the point that is being made here is the fact that a firefighter has to be ready, willing, and able to perform in the face of danger to his person.

Mr. GRINER. That is right, sir.

Mr. BRASCO. However, I was curious as to whether or not there are any statistics which you might have at your disposal, which would indicate the number of fatalities or injuries incurred by Federal firefighters, say for the year 1969?

Mr. GRINER. I have some for the year 1968. That was published in the Federal Fire Council. The report reveals that 376 persons lost their lives and 2,232 were injured because of fires. We don't know how many firefighters were among those killed or injured, but the figures provide some idea of the magnitude of the responsibility and risk undertaken

by the career employees in the firefighting service. In other words, this is not what you are after, but I think we can get that for you, Congressman.

Mr. BRASCO. Might we get that for the record?

Mr. GRINER. Yes.

(The information follows:)

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Washington, D.C., September 30, 1970.

HON. DOMINICK V. DANIELS,
*Chairman, Subcommittee on Retirement, Insurance and Health Benefits, Cannon
Office Building, Washington, D.C.*

DEAR CONGRESSMAN DANIELS: During the presentation of the testimony of our organization on H.R. 422 and S. 578, bills to extend the hazardous duty retirement provisions to firefighters, I was asked to furnish the subcommittee with some statistics regarding (1) the number of firefighters who might actually retire during the inception period of the first 2 years; and (2) the number of deaths from fires of Federal firefighters during the last 2 years.

I. NUMBERS OF FIREFIGHTERS WHO MIGHT RETIRE UNDER THE BILLS

As of October 31, 1969, there were 12,364 firefighters listed in the Federal service, according to information on file with the Civil Service Commission. The Commission does not have any records indicating the current ages of these firefighters. Consequently, any estimate has to be based on a "guess" through projection and extrapolation.

The only recent reliable figures regarding the distribution by age group among Federal male employees which I can find to apply to the case of firefighters is the so-called 10 percent sample of all Federal employees as of June 1969. This sample indicates that there should have been 1,985,235 male employees in the Federal service on that date. Of this number, the sample indicates there were the following numbers over 45 years of age:

Age group	Number	Percent of grand total
45-49	329,779	16.6
50-54	289,091	14.5
55-59	191,777	9.6
60-64	110,483	5.5
65-69	40,031	2.0
70 and over	15,409	.77

Eliminating the age groups 45-49 and those 65 and over, there were 591,351 males aged 50-64, representing 29.6 percent of all male Federal employees.

Applying 29.6 percent as a representative figure to the 12,364 firefighters now on the Federal rolls, it would appear that 3,659 Federal firefighters would qualify by age to retire under the bills during the first 2 years.

I believe it is not inaccurate to estimate that over 90 percent of the firefighters over 50 would also qualify by length of Federal service (20 years) within the first 2 years. Taking 90 percent of 3,659, it would appear that 3,293 firefighters would qualify immediately after passage of the bill to apply for retirement.

The actuary of the Civil Service Commission informed us that the typical pattern for retirement is 25 percent immediately upon eligibility and 15 percent of the remaining eligibles for each year following the date of eligibility. Applying this pattern to firefighters, 823 firefighters could be expected to apply for retirement immediately upon the effective date of this legislation. Of the remaining 2,470 another 370 firefighters would apply for retirement within the first year, and an additional 315 in the second year. Thus altogether 1,508 or 46 percent of those originally eligible, could be expected to avail themselves of the opportunity to apply for retirement within the first 2 years after the effective date of this legislation.

To these 1,508, there should be added, of course, those firefighters who would be between 48 and 50 years of age on the effective date of the legislation and who would therefore qualify within 2 years. These represent approximately 6.6 percent

(or two-fifths of the 16.6 percent of those aged 45-49) of the firefighters, or altogether 816 employees. Applying the same actuarial formula as I used above, approximately 292 of these could be expected to apply for retirement, bringing the grand total to approximately 1,800 (1,508 plus 292).

Whether or not the Federal departments would allow 1,800 firefighters to retire is, of course, another question. You will recall that in my testimony I referred to the fact that both the agency head and the Civil Service Commission today would have to approve their applications on the basis of current criteria. These would include today a judgment that the petitioning firefighter was not able to perform as efficiently as a younger firefighter. The agency head might refuse, of course, to provide this certificate to the great majority of eligible firefighters. Without our having advance knowledge of how Federal conjecture for me to predict how many firefighters will actually retire under the bills during the first 2 years. The number may be conceivably as low as 100 or 200 a year or as high as 1,800.

The Civil Service Commission, of course, may already have information available indicating that the agencies will not permit massive immediate retirements, even if H.R. 422 and S. 578 were passed. This may account for the exceptionally low estimate of 200 retirements annually supplied by Mr. Andrew E. Ruddle, the Director of the Bureau of Retirement and Insurance of the Civil Service Commission.

The fact that the Civil Service Commission has placed its estimate so low is one of the additional reasons why I am again asking your subcommittee to make early retirement for hazardous duty a right of the employee and not an act of charity of the agency accompanied by humiliation of the employee.

II. DEATH FROM FIRES OF FEDERAL FIREFIGHTERS

On the matter of the number of deaths from fires of Federal firefighters, I am not as yet in receipt of any statistics or data which I could furnish you with assurance. As soon as I have received reliable data, I shall forward it to you immediately.

I should like to avail myself of this opportunity to thank you for the opportunity of testifying on H.R. 422 and S. 578 and to ask you once again to seek final passage of this legislation before the end of the Session.

Sincerely yours,

JOHN F. GRINER,
National President.

Mr. BRASCO. One last question. In the statistics that you have given, are other people involved in that.

Mr. GRINER. Yes.

Mr. BRASCO. Who would they be?

Mr. GRINER. They would be, let's say, probably people that were in the building, that happened to be caught in the building who were burned to death or injured jumping out of a building. In other words, nonfirefighters within the Federal group. Maybe an airplane could catch fire.

Mr. BRASCO. But firefighters were involved in 1968 in battling fires that caused that kind of injury and death?

Mr. GRINER. That involved that many injured or dead. We will furnish that information. I think you will find it will probably far exceed any other single group of employees who are in hazardous occupations in Federal service.

Mr. BRASCO. Before I ask the question that I have in mind, the gentleman who testified before you has a list of Federal agency employees now receiving hazardous duty retirement payments, and after looking at the list, I would certainly express, of course, my own opinion in saying I believe that firefighters should be on that list, but in view of the fact you mentioned that if we take this step toward incorporating firefighters, we are going to perform an inequity to other groups who are not presently receiving hazardous duty benefits. I must say there

are a few groups on exhibit No. 7 that I don't necessarily agree with, unless I am not really familiar with their job, such as the Fish and Wildlife Service, and the Parole Board, as being hazardous duty.

Mr. GRINER. I think these are enforcement officers in the Fish and Wildlife Service.

Mr. BRASCO. We might get to the point where we might say stenographers are law enforcement officers. We have here the Board of Parole of the United States, and as far as I know having some degree of familiarity with them, they sit and meet to determine whether or not a man has served while in prison as a good convict, and whether or not he is entitled to any benefits because of his rapid rehabilitation, which may allow him to be let out of prison sooner. I can't see how that is hazardous duty unless there is something about the job that I don't know.

Mr. GRINER. I think that is only select people from the Board of Parole, but I am not in a position to name just which ones those select people are, and what their actual duties are. I certainly agree with you that the Board itself would not be a hazardous duty.

Mr. BRASCO. In view of that, Mr. Griner, I was wondering if you could give the committee an idea of what other people you consider as performing hazardous duties.

Mr. GRINER. Let me cite two cases, Customs and Immigration inspectors, for instance. They are not covered at the present time. Yet the border is becoming more and more a problem, especially the Mexican border. Of course we have had some problems on the Canadian border, too, in the western part of the United States. We had a group of people up in Idaho or Washington that you might say walked over our inspectors. They came into this country and put on a demonstration. With this narcotics situation being what it is, the Customs and the Immigration people are in constant danger.

Mr. BRASCO. Let me ask the question in reverse, because I am trying to get into my mind some kind of ground rules that may be used, in terms of coming to the conclusion as to what is hazardous duty, because it seems to me that there ought to be along the line some thought given to a formula to determine exactly what hazardous duty is.

Mr. GRINER. Some kind of guidelines?

Mr. BRASCO. I saw somewhere in your statement that nurses in psychiatric wards might perform a hazardous duty.

Mr. GRINER. That is hazardous.

Mr. BRASCO. While we keep going way down the line, I would assume if that is hazardous, that a fellow who is cleaning on the same floor while the nurse is walking around should be considered in a hazardous duty situation. You can follow this down the line, and probably make a good case for almost every employee in every department. It seems to me that basically, and I don't like to use law enforcement so broadly as to consider the Parole Board, but basically those fellows who are involved in apprehension of criminals, and of course firefighters are involved in hazardous duty functions but some of the others, I don't know about. I am just wondering whether or not you had in mind the development of a formula to be used in these cases.

Mr. GRINER. We would highly favor a formula which would set out some guidelines that could be followed, general guidelines, and not restrict the hazardous retirement only to law enforcement people. We

certainly would be in favor of that. I think it could be developed. We have restrictions at the present time, if the person is not in law enforcement, he just can't qualify for hazardous retirement if the law is literally interpreted by the Commission and by the agency. Of course, the Commission has to approve the agency's recommendations when certain positions come under this particular provision of law. I would certainly be in favor of it.

Mr. BRASCO. I have no further questions.

Mr. DANIELS. The gentleman from Maryland, Mr. Hogan.

Mr. HOGAN. Mr. Griner, I thank you for your testimony. I agree with you about a number of other occupations in the Federal service which are hazardous. However, we have a very tenuous situation with this particular legislation. I think any tinkering with it before the session adjourns would greatly endanger its chances of enactment. I do not believe we can expect enactment of anything other than just taking this bill, though I could be wrong. Since a motion to recommit killed it last time, I would hate to cloud the issues any by trying to bring in other groups. We can start during the next Congress to include other worthy recipients of these special benefits.

Mr. GRINER. Congressman, I wouldn't recommend doing that.

Mr. HOGAN. That is good. I appreciate that.

Mr. GRINER. I would recommend, if we could make some changes in this particular session on this item without endangering passage of the bill, why we might take a look at it, but if you in your wisdom think that we shouldn't do it at this time, I am certainly in agreement with you, 100 percent.

Mr. HOGAN. I think this is a matter we could discuss in executive session, but as we get closer and closer to adjournment, and pressure of the elections, everyone is anxious to close up the business of the Congress. If we change this bill, it is going to have to go through a conference, and then come back again. I think that any changes will just be impediments to getting the bill enacted expeditiously, but I would certainly defer to the chairman's superior wisdom in this area.

Mr. GRINER. Certainly there will be more firefighter legislation before Congress next year.

Mr. HOGAN. I would certainly look favorably upon extending it to some of these other people. I have in my district a number of military installations. One is the Naval Ordnance Laboratory at Indian Head. I don't know of any place in the world more hazardous than that facility, where they actually make propellants, rockets, torpedoes, and other things, and the firefighters there have an unbelievably difficult and hazardous job.

Mr. GRINER. That is right.

Mr. HOGAN. If something goes wrong there, I just hate to think about the calamity, because they are dealing with such volatile material. I think this is certainly necessary legislation. With all due respect to Mr. Brasco, I think nurses in a psychiatric ward could very well qualify. We have had a number of incidents, or I should say alleged incidents at a hospital in my district, where one of the patients in a tubercular institutions attacked the nurse: physically beat her. I think maybe down the line some place we should have some way to assess the hazards of occupations. There are a lot of jobs in the Secret Service, Internal Revenue, and the FBI that are really not hazardous. An FBI

agent who spends his whole career investigating applicants is not in nearly as much jeopardy as a nurse in a psychiatric ward. I think there are a lot of things we could look at to remove some of the inequities in this.

One other point. I again question the figure as to the number who would retire out of between 9,000 and 10,000 firefighters. Do you say that there are now on the rolls 2,000 that you estimate would retire?

Mr. GRINER. That is about right.

Mr. HOGAN. The Civil Service Commission estimated that there would be 200 a year retiring.

Mr. GRINER. You have an accumulation at the present time, Congressman, of the people who have been firefighters for a number of years.

Mr. HOGAN. Who are over 50 and who will all at one time retire?

Mr. GRINER. I don't believe a third of those who are now qualified would actually retire.

Mr. HOGAN. Are you estimating that 2,000 would retire?

Mr. GRINER. That is right. About 2,000 in the next 3 years.

Mr. HOGAN. Or that 2,000 would be eligible?

Mr. GRINER. I think it would probably be close to 2,000 retiring within a period of 36 months. I don't think they would retire immediately, because these people did not expect to retire. They would have to get ready to retire, and I would say that within 3 years there would be close to 2,000 people who would retire.

Mr. HOGAN. I would prefer, for strategic reasons, to use the Civil Service Commission's estimated figure of 200 rather than your figure of 2,000.

Mr. GRINER. This is the normal retirement. I think the Commission's figures were based on year-to-year retirement.

Mr. HOGAN. Yes; that is true.

Mr. GRINER. After the initial impact you always have some impact.

Mr. HOGAN. They estimate that the annual cost would be \$3.5 million on an estimate of 200 retiring, and I would much prefer to go to the floor with that figure rather than five times that figure. I can just hear our esteemed colleague, H. R. Gross, on the floor now, if we begin talking in those terms.

Mr. GRINER. You see only those people who are past 50 years of age would be eligible to retire. There is an accumulation of those people at the present time. If you go around to firehouses, you will notice that we have quite a number of people who appear to be in that age bracket. I don't have the personnel files available so I couldn't tell you the exact number, though the Commission could.

Mr. HOGAN. Thank you, Mr. Griner. I have no further questions.

Mr. DANIELS. Mr. Griner, following up what Mr. Hogan just brought out, I would like to mention that I was considering seriously that our subcommittee go out in the field to investigate different Federal facilities, where personnel employed in hazardous occupations were engaged, so that we would see just exactly the nature of the hazards that they are exposed to. I think that would be most helpful to the members of this committee.

Mr. GRINER. I do, too. I would certainly recommend it.

Mr. DANIELS. It would be most helpful in studying whether or not we should extend the provisions of the law to other personnel engaged

in hazardous occupations. That is what I had in mind. I think it is advisable, and I plan doing that. Of course it is so late in this session. It was mentioned that we would recess around October 15, so that Members of the House may go home and campaign, but it is also indicated that we will be back after election day, and probably continue in session up until the month of December, and probably close to Christmas Day, as we did a year or two ago. I would like to get into that area. I think the members of the committee would have a greater understanding of the hazards to which these employees are exposed, so that they can pass upon this legislation much more intelligently.

Mr. GRINER. Congressman, I would certainly recommend that this bill not be held up. In other words, I think it would be well to get this bill through, and then make your study. I think that is what you have in mind. Of course this is badly needed legislation. It has been kicked around now for two sessions of Congress.

Mr. DANIELS. I supported it in the last session. In fact, I was chairman of the subcommittee which reported the legislation out favorably.

Mr. GRINER. I know you were. We appreciate it.

Mr. DANIELS. Thank you very much, Mr. Griner. We are happy to have you here this morning.

Our next witness is Mr. John A. McCart, operations director, Government Employees Council, AFL-CIO. Mr. McCart, I welcome you here this morning. You may proceed. I notice your statement is short. You may either submit the statement for the record, or if you desire to, summarize the statement and throw yourself open to questions by the subcommittee, you may do so. Please use your own judgment.

**STATEMENT OF JOHN A. McCART, OPERATIONS DIRECTOR,
EMPLOYES COUNCIL, AFL-CIO**

Mr. McCART. Mr. Chairman, with your permission, I would like to have the formal statement incorporated in the record of the hearing.

Mr. DANIELS. Without objection, your statement will be incorporated in the record after your comments.

Mr. McCART. In view of the testimony that has been presented earlier, Mr. Chairman, I have no desire to repeat in detail the substantiation for this legislation. I plan to make just a few brief extemporaneous comments, and respond to any questions the subcommittee may have.

First, the 34 units associated with the Government Employees Council heartily endorse S. 578. We are deeply appreciative of you gentlemen arranging this hearing at this late date in the session, and are particularly grateful to the Members of the House who have introduced bills similar to S. 578.

The record is replete with evidence supporting the enactment of this legislation. It is rather interesting to note that the Comptroller General in February of 1969 made a clear statement that in his view this occupation is a hazardous occupation. It is something that normally the Comptroller General is not given to.

I would recommend to the members of the subcommittee perusal of the Senate committee report on this bill, because it contains some very brief statistics that are interesting, and which give us perspective on the need for the legislation. Quoting now from the Senate Report 1093:

One out of every eight firefighters, or 12.5 per 100 men sustained a lost time injury in 1965.

I am sure that you are already acquainted with the increase in the hazard of the firefighting profession over the years. In the past quarter century the sophistication of materials used in the Federal establishments—the toxic fuels, gas, volatile liquids—has grown immensely. The number of military planes arriving and departing from military airports has increased tremendously, thus accentuating the hazard.

It is really difficult for us to comprehend the continued intransigent attitude of the executive branch with respect to hazardous retirement for these workers, particularly in view of the discussion that has occurred in the last 9 years as to comparability for Federal employees. It is an accepted principle enacted in 1962 in the Salary Reform Act. This subcommittee is very familiar with the problem of comparability with respect to health benefits. Thankfully you gentlemen have addressed yourselves very ably to this problem. Yet we find in municipality after municipality there are special retirement provisions for firefighters. Somehow the executive branch is simply unable to appreciate this fact. In this respect, of course, failure to enact legislation of this kind makes a myth of comparability.

Adding to the hazard is another condition that the Federal firefighters encounter. This is the unusually long workweek that most of them work. This is a problem in itself. The point is that any individual who must remain at his station 72 hours a week, which 80 percent of Federal firefighters must, necessarily encounters additional hazards. His physical well being is endangered simply because he must remain on the job for such long periods.

Mr. Chairman, that summarizes our views on the legislation. We urgently request that the subcommittee move quickly to approve the pending bill, so that it can be reported to the full committee. The Senate has approved it a second time. Whether Congress adjourns in November or December, the conclusion of the session is approaching. If final action is not taken by Congress in this session, we are going to have to go into a new Congress, and re-do the entire legislative process on this bill again. I appreciate the cooperation that you, Mr. Chairman, and the other members of the subcommittee have extended in hearing the testimony on this bill.

Mr. DANIELS. Mr. McCart, many Federal firefighters are on duty an average of about 72 hours a week?

Mr. McCART. That is correct.

Mr. DANIELS. What is the average workweek?

Mr. McCART. In municipalities?

Mr. DANIELS. No, of Federal firefighters.

Mr. McCART. Well, 9,000 out of approximately 11,000 Federal firefighters are assigned to a 72-hour tour of duty. The remainder of the firefighters work a 60-hour tour of duty.

Mr. DANIELS. How are they compensated?

Mr. McCART. They are compensated as general schedule employees, classified or white-collar employees. They receive an annual differential in lieu of all overtime, holiday, night, and other premium pay.

Mr. DANIELS. Their salaries are based upon a 40-hour week, and anything above that they are paid a differential?

Mr. McCART. They are paid an annual differential that cannot exceed 25 percent. In the vast majority of instances it is not 25 percent, so they

receive a base rate which as I recall is GS-4, plus the annual differential in lieu of all premium pay.

Mr. DANIELS. You also stated that in connection with the Senate bill, S. 578, that the Comptroller General of the United States gave a favorable report for this legislation. Do you know what the position is of the Bureau of the Budget, the Civil Service Commission, and the Department of Defense?

Mr. McCART. I certainly do, Mr. Chairman.

Mr. DANIELS. What is that position?

Mr. McCART. Mr. Chairman, we have had experiences with this legislation in the past, and I am sure it is no different than it has been in the past. That is strong opposition to the enactment of the legislation.

Mr. DANIELS. I saw one report, and I know it was a very blistering report against it.

Mr. McCART. I am really surprised at the strength of the opposition this time, Mr. Chairman. It seems that rather than the executive branch comprehending the equities involved here, that they are ignoring them more as the years go on. This is what has caused these Federal employees to become discontented and dissatisfied. People don't recognize their problems. I really think it is shortsighted, Mr. Chairman.

Mr. DANIELS. Thank you. I recognize the gentleman from Pennsylvania Mr. Nix, do you have any questions?

Mr. NIX. Yes. What has been the basic objection to the legislation?

Mr. McCART. Mr. Nix, so far as I can determine, when you get to the core of the objection, it is that enactment of this legislation will open the door to claims by other groups of employees for similar coverage, which seems to us is most unjust to the group where there is a very demonstrable need. They talk about money. They talk about cost and that sort of thing. However, when you bring it down to the nub, it is a question of not wanting to expand hazardous retirement to Federal firefighters because other groups will want similar treatment.

Mr. NIX. Of course the same argument can be made to almost everything.

Mr. McCART. Of course.

Mr. NIX. Thank you.

Mr. DANIELS. The gentleman from Maryland, Mr. Hogan.

Mr. HOGAN. I am just pleased to see my constituent here again, and appreciate his comments. With reference to Mr. Brasco's question earlier about the hazards, I notice in your formal testimony you shed some light on it. For 1968 the Federal Fire Council report reveals that 376 persons lost their lives, and 2,232 were injured because of fires. These are not all firefighters, but these are the number of individuals injured in fires. Presumably most of them would be firemen. It does, as you have observed in your formal testimony, indicate better than any other statistic we could bring to bear on it the hazards of the duty. I don't think any of the other categories of employees listed who are now receiving the hazardous retirement benefits can in any way approach this kind of an indicia of hazard as the firefighters. That is all, Mr. Chairman.

Mr. DANIELS. I recognize the gentleman from New York, Mr. Brasco.

Mr. BRASCO. I don't have any questions other than just to reiterate I think it is certainly very unfortunate that opposition to this bill might be based on the fact that it may open the door to other people coming

in. Again, as my colleague, Mr. Hogan, indicated, there is obviously room for agreement and disagreement as to who should be included on this hazardous duty. As far as I am concerned, and I have always felt that way, firemen and policemen would be at least in my mind immediately considered as part of this group. I don't particularly agree with some of the others on the group now, and maybe some of the others that want to get in, but I suspect this whole schedule, even of those people who are receiving this hazardous duty now, should be revised in some way, but I think there should certainly be room for firefighters on the schedule.

Mr. McCART. Mr. Brasco, we certainly have no objection at all to the subcommittee considering seriously the application of the hazardous retirement provisions to other groups of Federal workers. The simple fact is that you are considering one bill before the subcommittee.

Mr. BRASCO. I wasn't thinking of adding anyone, but maybe deleting a few at this point.

Mr. McCART. I am not suggesting that, Mr. Chairman.

Mr. HOGAN. Can you make water flow up hill?

Mr. DANIELS. Mr. Hogan, I believe, made reference to the fact that the report of the Federal Fire Council indicated 376 persons lost their lives and 2,232 were injured because of fires. Mr. McCART, were these people who are involved in fatal accidents as well as those who were injured all Federal firefighters or Federal employees?

Mr. McCART. No. We don't have the figures on how many were firefighters, Mr. Chairman. They were not all Federal employees either.

Mr. DANIELS. What do these figures refer to?

Mr. McCART. These figures refer to fires that have occurred at Federal installations, and they could involve private citizens, military personnel, civilian Federal workers, and firefighters. The only point of that statement—I don't want to mislead you—was to give you some dimension of the cost of fires in Federal installations in terms of money and in terms of danger to life. They were not designed to show you a specific hazard to a Federal firefighter.

Mr. DANIELS. I don't want to cut you off, but do you have any precise figures as to the number of firefighters engaged in Federal employment who lost their lives or who were injured?

Mr. McCART. No; we don't, but if you will recall, I made reference to the Senate committee report on S. 578, in which they refer to a job related injury ratio of 12.5 per 100 men in the Federal firefighting service, so I think that gives you some measure. I don't know, Mr. Chairman, that any other statistics are available on the mortality and the injuries to firefighters, but I think this figure itself gives us some indication.

Mr. HOGAN. It would be good to have that, if somebody has it available.

Mr. McCART. Yes. We will be glad to try to find it.

Mr. DANIELS. If you are able, Mr. McCART, to obtain the exact figures, I know it would be difficult to bring this up to date, but we would like to have the latest known figures which are available.

Mr. McCART. I would be happy to try, Mr. Chairman. I will communicate with you and let you know the results of my inquiry. Thank you, Mr. Chairman.

(The prepared statement by Mr. McCart, and his letter furnishing information requested, follow:)

STATEMENT OF JOHN A. MCCART, OPERATIONS DIRECTOR, GOVERNMENT EMPLOYEES COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, the Council and its 34 unions representing employes in classified, wage board and postal services of the Federal Government desire to endorse S. 578.

The pending bill applies to Federal firefighters the special provisions in the Civil Service Retirement Act which have been in effect since 1948 for Federal employes engaged in law enforcement work.

We commend you and your colleagues on the subcommittee for arranging this hearing on a bill of vital interest to approximately 11,000 Federal firefighters.

Unions associated with the Council are most grateful to the Chairman of the House Post Office and Civil Service Committee, Representative Thaddeus J. Dulski, for introducing H.R. 422 on this subject and to Congressmen Gonzalez, Matsunaga, and Leggett for sponsoring companion bills. The late Representative St. Onge offered a similar measure also.

Individuals involved primarily in the investigation, apprehension or detection of those suspected or convicted of Federal criminal laws are now able to retire after 20 years of service at age 50 and to have their pensions computed at 2% of their highest 3 years average pay.

Expansion of this provision to include firefighters will constitute recognition of the arduous and hazardous nature of their work.

It is unnecessary to emphasize at length the general acceptance of firefighting as a hazardous occupation. Recent civil disorders underscore this point.

All of us are aware of the physical and mental demands made upon those in fire service. They must remain constantly agile, physically robust, mentally and emotionally stable and alert to execute efficiently the grave responsibilities of saving lives and property.

In addition to the risks normally encountered by employes performing this work in Federal Service, they must be prepared to combat conflagrations involving explosives, toxic fumes, volatile liquids, highly combustible gases, and even radiation.

Fuels have become more powerful and combustible. The fuel load of aircraft has increased dramatically thus enlarging the possibility of fire. The number of aircraft landing at military installations has reached a point where some fields are accommodating today more than 8 times the planes handled 25 years ago.

Firemen are required to execute their duties in extreme cold and heat.

It is pertinent to quote two comments made by the Assistant Comptroller General to the Chairman of the Senate Post Office and Civil Service Committee on February 11, 1969:

"There seems little doubt that the actual duties of firefighters generally should be classified as hazardous employment."

"We point out that under present law firemen of the District of Columbia are granted the right to retire at age 50 after 20 years of service."

The report of the Senate Committee on Post Office and Civil Service on S. 578 substantiates this claim. It reveals that the rate of lost time for job related injuries incurred by firefighter personnel was 12.5 per 100 workers. Heart and lung diseases accounted for 55% of the deaths of firefighters.

Through annual rigorous physical examinations, Federal agencies require that these men maintain the highest standards of physical and mental efficiency.

The latest data we have available for Federal fire losses covers the fiscal year 1968. As published by the Federal Fire Council, the report reveals that 376 persons lost their lives and 2,232 were injured because of fires. Property losses amounted to more than \$294 million. We do not know how many firefighters were among those killed or injured. But these figures provide some idea of the magnitude of responsibility and risk undertaken by career employes in firefighting services.

A study prepared by the Civil Service Commission in December, 1965, disclosed that approximately 9,500 of the total firefighter force are employed in the Department of Defense. Most of these workers are assigned to a 72-hour workweek consisting of three 24-hour duty tours. A minority must be at their posts 60 hours each week.

While the workweek of firefighters in major cities declined more than 36% from 1945 to 1969, the work cycle for those in similar Federal occupations

remained unchanged. In municipalities of more than 10,000 population the weighted average workweek for firefighters was 56 hours, according to a Civil Service Commission study in 1965. A 40-hour week is generally applicable in public and private industry. Thus the exposure of the Federal firefighter force to hazards is much greater than any large segment of our work force. These figures indicate also that the workweek of firefighters in Federal agencies lags far behind the prevailing practice in non Federal jurisdictions.

In cities, it is a common practice to maintain special retirement programs for firefighters. Many of these men in municipal fire departments are able to retire after 20 or 25 years of service at any age. Most frequently, 2% is the factor used in determining pensions.

Thus, those in like positions in other public jurisdictions enjoy a distinct advantage over their counterparts in Federal agencies. Put another way, present retirement rights of Federal firefighters reveal a complete lack of comparability with practices in municipalities.

Other unions associated with the Council will offer their views on related aspects of this legislation.

The Council earnestly seeks the cooperation of the Subcommittee in acting favorably on S. 578 at an early date.

We appreciate your arranging this occasion to offer comments on a measure of considerable significance in the Federal Government's personnel program.

GOVERNMENT EMPLOYEES COUNCIL, AFL-CIO,
Washington, D.C., October 2, 1970.

HON. DOMINICK V. DANIELS,
Chairman, Subcommittee on Retirement, Insurance, and Health Benefits, Committee on Post Office and Civil Service, Washington, D.C.

DEAR MR. CHAIRMAN: During my testimony September 29, 1970, on S. 578, you expressed an interest in information on loss of life and injuries among Federal firefighters as an indicator of the hazardous nature of this occupation.

At our request, the Bureau of Employees' Compensation has supplied data from its publication Federal Work Injury Facts, November, 1969. It contains information on this point related to calendar 1966, the latest year for which such figures are available. The Council has referred also to the Civil Service Commission's publication Total Federal Civilian Employment, Fiscal 1965, and a study by the Commission of Federal firefighters' premium pay and workweek in 1965. The Council's review of these source materials has produced the following findings:

Fiscal 1965, total Federal employment	2, 500, 000
Number of Federal firefighters	11, 000
Calendar 1966, all employees, injuries and deaths	111, 500
Injuries and deaths, Federal firefighters	1, 552
Ratio of injuries and deaths to total employment (percent)	4. 5
Ratio of injuries and deaths, Federal firefighters (percent)	14

It is clear then that during the period in question Federal firefighters experienced more than three times the number of compensable injuries incurred by the Federal civilian employee population as a whole.

I trust this information will prove helpful in clarifying the record on this point.

Respectfully yours,

JOHN A. McCART, *Operations Director.*

Mr. DANIELS. Our final witness is Mr. Nathan T. Wolkomir, president, the National Federation of Federal Employees.

STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES; ACCOMPANIED BY HOWARD FELDMAN, ASSISTANT FOR LEGAL AND EMPLOYEE RELATIONS, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. WOLKOMIR. Mr. Chairman and members of the subcommittee, my name is Nathan T. Wolkomir, I am president of the National Federation of Federal Employees.

I wish to state that our union is strongly in favor of this bill.

The NFFE always has, since its inception more than 53 years ago, and has at the present time, a very substantial number of Federal firefighters in our union. We are adding more and more regularly to our list of exclusive locals in this highly specialized group of Federal employees. For this reason we are very keenly and intimately aware of the special needs and problems which affect this important group of Federal employees.

I regret to say that over the years firefighters in the Federal service have been substantially disadvantaged as compared with firefighters in closely analogous positions in the private sector. In recent years some steps have been taken to close this very wide gap but much yet remains to be done. One of the things that very urgently needs to be done is covered in this bill; namely, to extend to Federal firefighters the provisions of the hazardous employment section of the Federal Retirement Act. This would enable Federal firefighters 50 years and older to retire after 20 years of service.

We believe that the merits of the proposals contained in this bill are self-evident, and that by every yardstick of fairness and equity it should be reported favorably. You are all familiar with Senate Report No. 91-1093 which is self-explanatory, and certainly justifies the expedient passage of the subject legislation.

However, we would also point out that enactment of this measure unquestionably would assist the Federal Government in one of its most pressing and frustrating problems; namely, that of recruitment of qualified firefighter personnel. In our judgment, passage of this bill would enable the Government to recruit and to hold firefighter personnel in a far more effective way than is presently possible. I am now speaking about the younger recruits. From this standpoint alone; namely, the self-interest of the Government, enactment of this measure is fully justified.

Is it not incongruous for Congress to grant firemen of the District of Columbia the right to retire at age 50 after 20 years of service and still deny this right to its large segment of Federal firefighters?

It is to be recalled that in 1967, Senator Hollings introduced similar proposals in S. 1507, and that the House Committee on Post Office and Civil Service reported favorably on this proposed bill. Because of a point of order it was recommitted.

Section 2 of the proposed S. 578 limits the actual costs that would be involved and affect the unfunded liability making it applicable only in cases of persons retiring after enactment of said S. 578. This would amount to \$3.5 million, it is estimated, if approximately 200 firefighters were to retire annually. Though I do not want to contradict the testimony of previous witnesses, based upon our figures, we do not estimate any more than between 200 to 300 people retiring under these procedures. We do represent a large segment of Federal firefighters. We consider that this cost, which incidentally the Commission has explained itself, is an average cost over a period of time, that this cost is minimal considering the inducement offered to younger recruits now at lower starting salaries to replace the 20-year service retiree. We refer the committee to the 1968 fire compensation survey prepared by the District of Columbia personnel office.

In the five local areas including the District of Columbia it will show a mean difference of almost \$500,000 between the minimum and

maximum rates for firefighter privates and reflects this figure as a possible saving were approximately 200 firefighters to retire each year. In actuality if we hired the younger recruits we would actually be able to save almost a half million dollars a year estimating the beginning salary. I am only speaking about privates who go from the lowest grade to the highest grades.

We have testified in the past on this bill and I will not burden you with the previous testimony.

The Senate committee has recognized the following facts:

(1) The fatality rate for Federal firefighters is 2.5 times greater than that of law enforcement officers.

(2) In a recent year one out of every eight firefighters sustained lost-time injury.

(3) Fifty-five percent of firefighters' deaths resulted from heart and lung diseases, in most cases due to their occupational hazards.

Are not these facts in themselves justification for passage of the proposed legislation?

I am going to ask you to indulge me for another moment, Mr. Chairman, and members of the committee. I personally spent 25 years in the Air Force as a civilian employee. The evaluation of the training of our DOD firefighters was one of my responsibilities. As the weapons systems became more and more sophisticated, the housing and site for these weapons systems also became more and more sophisticated. Thus the firefighters' equipment became highly involved in operation and knowledge had to increase. With the use of highly exotic fuels, exotic chemicals, and the firefighter gear, safety needs increased. Physical activity required a high degree of hazard, stress, and training. A maximum age limit and a lowering of age limit for entry into this skilled occupation is evident.

The passage of this legislation would enhance this trend instead of permitting self-serving military devices such as "Operation Smoke Screen" in the Air Force whereby it attempts to replace experienced civilian firefighters by rotating military as chiefs and assistant chiefs, using 3-year servicemen as firefighters, presumably on a voluntary basis. Midwives cannot perform major surgery. We need highly trained career employees in this sophisticated career field and the younger group. There are approximately 300 firefighting departments in DOD alone. Many serve their adjoining communities. Besides taking care of their own DOD needs, they serve as firefighters for the adjoining communities. Consequently a high degree of control and skill is required for these people.

In summary it is called to the attention of the committee that billions of dollars worth of property and many lives are at stake. May I state as an aside that you take one Minuteman site, which involves billions of dollars, and the type of firemen who are required to protect these sites in case of an emergency. This is a fantastic cost for the equipment, and only firefighters specially trained are responsible to take care of these particular sites. They use exotic jet fuels, radioactive materials—constant study, training, and alertness are the need of the day. The occupation is hazardous, sophisticated, and not a Dalmatian dog-image sitting on the front seat of an obsolete firewagon. We strongly support early consideration and passage of this legislation.

I express the appreciation of all of our firefighter members to you, Mr. Chairman, for calling these hearings and the opportunity afforded me by the subcommittee to express the strong support of the National Federation of Federal Employees for this very worthy piece of legislation.

Mr. DANIELS. Thank you, Mr. Wolkomir, for a very fine presentation and a fine statement. It is always a pleasure to have you before our committee, and to listen to you testify. I have no questions, but I do wish to point out that I have in my hand a report from the Assistant Secretary of Defense for Manpower.

Mr. WOLKOMIR. Secretary Kelley?

Mr. DANIELS. It is signed by Roger T. Kelley. I would like to read just one short statement from that report.

Although the cost of S. 578 would not directly affect expenditures of the Department of Defense, the U.S. Civil Service Commission advises that enactment of S. 578 would increase the unfunded liability of the Civil Service Retirement and Disability Fund by \$176.2 million. Under the provision of Public Law 91-93 this legislation would be deemed to authorize equal annual installments to finance the added unfunded liability. Each of the installments would amount to \$9,225,000.

Do you care to comment on that?

Mr. WOLKOMIR. I certainly do. Knowing Secretary Kelley very well, knowing DOD figures I would certainly question those figures because they are not in harmony with the Civil Service Commission figures themselves.

Mr. DANIELS. That figure is the figure of the Civil Service Commission, not Mr. Kelley's figure.

Mr. WOLKOMIR. This is not what they testified to. This is not what the Commission has presented.

Mr. DANIELS. I will repeat the first part of the statement.

Although the cost of S. 578 would not directly affect expenditures of the Department of Defense, the U.S. Civil Service Commission advises that the enactment of S. 578 would increase the unfunded liability of the Civil Service Retirement and Disability Fund by \$176.2 million.

Mr. WOLKOMIR. I can't answer that because it seems like an astronomical figure to me. Where the Commission gets this, based upon their own statement of approximately 200 retirees to start with, and they do say that over the following years it may increase from their estimated figure of incidentally only something like \$175,000 the first year, and eventually they expect to attain the \$3.2 million, I don't know where those figures came from. They are absolutely startling to me. We have queried the Commission, checked with DOD on their estimates and this is absolutely startling and new to me.

Mr. DANIELS. I might say to you that these hearings will continue tomorrow, at which time we expect representatives of the various agencies of the Government to be present. If you have time, I would like you to be here, so that if they testify to anything that you dispute, I shall afford you the opportunity of disputing their testimony.

Mr. WOLKOMIR. I would be only too proud to. May I also raise one other question that I believe you raised, Congressman Brasco. That is as to determination of standards.

Mr. BRASCO. Go ahead.

Mr. WOLKOMIR. Under the classification act we do have standards set up by the Civil Service Commission as to what is considered to be a hazardous occupation. Just recently as a member of the National Advisory Board for the wage board employees, we came up with standards for the wage board employees in terms of what would be identified as hazardous occupations. Our problem is not so much with the standards as it is in the application of these standards by the Commission and management. One of the critical things that a previous witness has brought out, but I think the point was missed, is letting management prerogatives determine whether a man is eligible under firefighter hazardous occupations.

The bill provides for this. It would be under the consent of management and the Civil Service Commission to say, "Yes, this particular individual does perform in a hazardous occupation, and therefore he is eligible." This is something that I think every union would oppose, because they use this as a device to get rid of people. That is one thing. It is a reflection on the caliber and the ability of individuals.

We would like to see this particular part removed, but as you have indicated, I don't think this is the time.

We are realistic enough to know that we are getting half an apple today if we can get it. Let's stick to the issues of these particular bills now, and we can discuss these further issues at later hearings. Does that answer your question?

Mr. BRASCO. I was talking about general standards that could be applied, so that when the issue—as I am sure it will—comes up with someone else, say other than firefighters, we would have a better gage with which to work. It seems to me, as I have indicated before, firefighters should come under the category of performing hazardous duty. I was just talking about some of the other occupations that may be classified now as hazardous duty, and of requests that may be made in the future. I would hope that some kind of standard would be developed with respect to the overall picture, so that we get an idea of who should be considered and who should not.

Mr. WOLKOMIR. This is what I addressed myself to. There are such standards. It is unfortunate that the entire presentation of the Civil Service Commission, and the various management heads of various agencies. They practically determine as to whether this checklist is applicable to certain occupations or not. That is where we have the problem.

Mr. BRASCO. I understand.

Mr. DANIELS. The gentleman from Maryland, Mr. Hogan. Do you have any questions?

Mr. HOGAN. I want to thank you for your testimony. With reference to the colloquy between you and the chairman, perhaps the discrepancies in the figures is due to the fact that the \$3.5 million per year figure was dated September of 1968. That is 2 years old. Maybe with the increased pay and increased fringe benefits, the costs would have substantially increased after a 2-year period of time. Tomorrow I assume we will get some up-to-date figures from the Civil Service Commission on this.

Mr. WOLKOMIR. We will surely have a representative here who will get these figures, and we will dispute them. I feel that we can dispute them.

Mr. DANIELS. In all fairness to everybody concerned, this committee is interested in getting the exact facts. I don't think it is fair to you and to the other witnesses who have testified today to come in here and make one presentation, and then they come in and submit something that is entirely different. I feel that you should have the opportunity to respond.

Mr. WOLKOMIR. May I also make a reference to this, Mr. Chairman. When you are ready for this visit to the various installations, I would like to recommend some installations to you.

Mr. DANIELS. Will you take that up with my staff.

Mr. WOLKOMIR. We certainly will. We will see to it that you see some of the installations. I lived with these people for 25 years in my evaluation work, and I think I can lead you to some installations, not for the purposes of viewing the situation with firefighters, but to actually give you a live, average-type look as to what is happening in the field.

Mr. HOGAN. In this connection I recommend the Naval Ordnance Station at Indian Head, Md. There are lots of hazards there, and there will be absolutely no question as to the pure legislative purpose of our visit.

Mr. WOLKOMIR. That is true, sir.

Mr. DANIELS. Again we thank you. The subcommittee will adjourn until 10 o'clock tomorrow morning when we will have representatives from the various agencies involved in this legislation. We will meet in this room.

(Whereupon, at 12 noon, the subcommittee adjourned, to reconvene at 10 a.m. on Wednesday, October 1, 1970.)

EXTEND EARLY RETIREMENT PROVISION TO FIREFIGHTERS

WEDNESDAY, SEPTEMBER 30, 1970

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RETIREMENT, INSURANCE, AND HEALTH
BENEFITS, COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:15 a.m., in room 421 Cannon House Office Building, Hon. James M. Hanley (acting chairman) presiding.

Mr. HANLEY. The subcommittee is meeting again this morning to further consider the bills S. 578 and H.R. 422, proposing that the preferential retirement treatment accorded under existing statutes to Federal law enforcement personnel be extended to Federal employees whose duties primarily involve the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

Our first witness this morning is Mr. Andrew E. Ruddock, Director of the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission.

Mr. Ruddock, it is a pleasure to welcome you to the committee, and we look forward to your testimony.

STATEMENT OF ANDREW E. RUDDOCK, DIRECTOR, BUREAU OF RETIREMENT, INSURANCE, AND OCCUPATIONAL HEALTH, U.S. CIVIL SERVICE COMMISSION

Mr. RUDDOCK. Thank you, Mr. Hanley.

Mr. Chairman and members of the subcommittee, I am pleased to be here this morning to present the Civil Service Commission's views on S. 578, H.R. 422, and other House bills to accord firefighters the more liberal retirement rights and benefits now applicable only to law enforcement personnel.

By letter dated September 9, 1970, addressed to Chairman Dulski of the full committee, the Commission reported its position on H.R. 422, a bill that is almost identical to S. 578.

I would now like to enlarge somewhat on various aspects of our position as stated in that report.

The law enforcement provisions are intended to accomplish two things for the employees to whom they apply:

They make it possible for such an employee to retire as early as age 50, if he has served a minimum of 20 years in law enforcement positions; that is, positions the primary duties of which

involve the investigation, apprehension, or detention of persons suspected or convicted of violating the criminal laws of the United States; and

They provide a retirement benefit computed on the basis of a straight 2 percent multiplier in the annuity computation formula.

In other words, while 55 is the earliest age at which other employees may qualify for service retirement with full benefits, law enforcement employees may qualify at age 50. And, while other employees must have completed 30 years of service, these employees need only have completed 20 years of law enforcement work. Further, while the benefit formula for other employees is $1\frac{1}{2}$ percent of average salary for each of the first 5 years of service, $1\frac{3}{4}$ percent of average salary for each of the second 5 years of service, and 2 percent of average salary only for years of service in excess of 10, for law enforcers it is 2 percent of average salary for all years of creditable service. This results in an annuity that is $3\frac{3}{4}$ percent of average salary greater for law enforcers than for employees generally.

S. 578 would extend these more liberal retirement rights and benefits to firefighters who retire after the bill is enacted. Similarly, the widow of a qualified firefighter who died after the bill is enacted could have the more liberal annuity formula applied in computing her survivor benefit.

The Civil Service Commission has in the past reported unfavorably on proposals for broadening coverage of the more liberal law enforcement retirement provisions to include groups of employees that are not engaged primarily in law enforcement work. Our concern has been that such proposals are not in accord with the purpose for writing the provisions into the retirement law, and that any departure from this purpose would establish a bad precedent which could have far-reaching and costly consequences.

The objective of the Congress in providing preferential retirement rights and benefits for persons engaged in law enforcement activity was to improve its quality, efficiency and productivity by making law enforcement a young man's service. The preferential provisions would, it was believed, serve to reduce turnover among younger men and at the same time accelerate the retirement of the older men. The more liberal annuity computation formula was not provided as a reward for exposure to the hazards encountered in law enforcement operations, but because a more liberal formula was necessary to make earlier retirement, with resultant shorter service, economically feasible.

While firefighting entails physical hazards not present in many other occupations, we do not consider this to be justification for extending special preferential retirement rights and more liberal benefits to firefighters.

There are numerous other occupations in the Federal service which entail varying degrees of physical hazard or arduous work for which extension of the preferential retirement provisions has been the subject of legislative proposals.

The list includes: custom inspectors, office deputy marshals, civilian marine officers, employees in any occupation where there is a greater than normal exposure to disease or accident, employees engaged in operating civilian-manned vessels or dredges, immigrant inspectors, appraiser guards in the Bureau of Customs, postal employees who carry firearms and whose duties include protection of the mail, civilian

armed guards charged with maintaining security of U.S. naval shore establishments, Panama Canal ship pilots, aircraft pilots, collection officers with Internal Revenue Service, coal mine inspectors and investigators, and employees engaged in construction or maintenance of high-voltage powerlines. Inevitably, if S. 578 were enacted, employees in these occupations would, with persuasive logic, demand equal treatment in the matter of more liberal retirement rights and benefits.

Hazardous work is generally compensated for in the Federal service by higher pay. The positions of firefighters, like those of other employees who are subject to the general schedule, are placed in appropriate grades in accordance with their duties, responsibilities and qualification requirements, and the knowledges, skills, and abilities required by the hazards encountered in the firefighter's job have been taken into account in setting their classifications, which in turn establish their rates of pay.

For example, the entry grade of another occupation comparable to a firefighter in difficulty and responsibility would be classified at GS-2, but in view of the physical requirements and relatively hazardous nature of their duties, the entry grade for firefighters is set at GS-3. The grade for most firefighters is GS-4, and in recognition of the substantial amounts of standby time required, additional premium pay up to 25 percent has been authorized by law to be included as part of their base pay. This combination results in base pay ranging from \$7,216 to \$9,510 a year. Furthermore, at installations where the facilities, equipment, and operating activities present very complex and highly hazardous firefighting situations, the established grade for firefighter is GS-5.

The higher base salary paid firefighters because of the hazard inherent in their job and for standby time results in their receiving higher retirement benefits because annuities are computed as a percentage of the high-3 average salary. To further increase their annuities by using a straight 2-percent multiplier is, in the Commission's view, not warranted.

Hazard has a bearing on retirement only if it is of a kind, such as law enforcement, which requires a young and vigorous work force. Early retirement provisions can be justified for municipal firefighters because of circumstances which prevail in cities but not in Federal installations. However, early retirement is not essential for firefighters in the Federal Government. Because of the controlled environment, fires are fewer and less intense. In fact, it is my understanding that early retirees from municipal fire departments constitute one of the sources of recruitment for Federal firefighting forces.

There are, at present, rigorous physical requirements for entry into the firefighter occupation. These requirements eliminate from consideration candidates of any age who are not physically capable of performing the required duties. In addition, the qualifications standard requires the administration of a stamina and agility test to all candidates prior to appointment. We believe that application of these requirements, coupled with periodic physical examinations, provide the most appropriate method for recruiting and maintaining a physically qualified firefighting force.

Finally, enactment of S. 578 would increase the unfunded liability of the civil service retirement and disability fund by an estimated

\$176.2 million. Under the provisions of Public Law 91-93, this legislation would be deemed to authorize equal annual installments to finance the added unfunded liability. Each of the 30 installments would amount to \$9,255,000, with the first installment due June 30, 1971.

It is for all of these reasons—the absence of demonstrable need, the establishment of an undesirable precedent, and the added unfunded liability resulting to the retirement fund—that the Commission very strongly recommends against enactment of this bill.

I thank you for the privilege of appearing to testify today on these very significant bills. I will be glad to try to answer any questions you may have.

Mr. HANLEY. Thank you very much, Mr. Ruddock.

On page 3 of your testimony you point out "The Commission has in the past reported unfavorably on proposals for broadening coverage of the more liberal law enforcement retirement provisions to include groups of employees that are not engaged primarily in law enforcement work."

Could you define what other categories we have previously denied or disapproved?

Mr. RUDDOCK. We have reported unfavorably on legislation that would include the entire list on page 4 of my testimony, which begins with customs inspectors, office deputy marshals, civilian marine officers, employees in any occupation where there is a greater than normal exposure to disease or accident. There is a whole list for whom preferential retirement treatment has been proposed.

Mr. HANLEY. For all these groups, at one time or another, legislation was introduced which, in essence, is comparable to that proposed in S. 578 and H.R. 422?

Mr. RUDDOCK. Yes, sir.

Mr. HANLEY. In each instance the Commission has taken a position in opposition to the legislation.

Mr. RUDDOCK. Yes, sir; the Commission has consistently been opposed to any extension of the law enforcement provisions to other groups.

Mr. HANLEY. On page 6 you mention the impact of this legislation on the unfunded liability. You point out the costs in this regard would be in excess of \$176 million. What is the actual estimate of the cost of the legislation, other than the impact on the unfunded liability? Is there any cost factor other than this?

Mr. RUDDOCK. No; this is the total cost factor. Expressed in terms of the recent retirement financing legislation for which this committee was largely responsible, this would require annual installments of \$9,255,000 over a 30-year period.

Mr. HANLEY. Again on page 6, with regard to the field of law enforcement, you state it requires a young and vigorous work force. If my understanding of the activities of firefighters is correct, does this category not also require a young and vigorous force? I envision the responsibility of a Federal firefighter as alertness, quick to respond, climbing ladders, and possessing the necessary physical stamina to fight a fire. How would their responsibility be unlike that of firefighters in the employ of any other entity?

Mr. RUDDOCK. Mr. Chairman, you will have testimony this morning from officials of the Department of Defense. They are much more

familiar than I with the details of the duties and responsibilities and hazards of the firefighters, most of whom are in the Department of Defense.

It is my general understanding that the number of fires to which a fireman must respond is less and that the fires are less severe in the Federal service than those faced by municipal firefighters.

Mr. HANLEY. On page 4 of your testimony you state that, "Firefighting entails physical hazards not present in many other occupations." In essence, are we admitting there is some merit associated with the provisions of the legislation? Are we admitting there are physical hazards which are not present in many other occupations?

Mr. RUDDOCK. Clearly, we recognize that there are hazards which are more extensive, for example, than the physical hazards of my position. If we were to compare the two, the firefighter position is more hazardous.

I think a more realistic comparison would be to compare the hazards of a Federal firefighter with those experienced by municipal firefighters.

Mr. HANLEY. I believe you mentioned that the witnesses subsequent to you will get into more detail with regard to the mechanics of firefighting.

Mr. RUDDOCK. I believe so; yes, sir.

Mr. HANLEY. Mr. Brasco?

Mr. BRASCO. Mr. Ruddock, I would like to try to nail down some of the reasons for the Commission's objections to this bill. They seem to be rather elusive as far as I'm concerned.

First, you say the objective of Congress in providing this preferential treatment was to improve the quality, efficiency, and productivity by making law enforcement a young man's service. By that, do I understand you to mean it has nothing to do with hazardous duty?

Mr. RUDDOCK. There is a requirement that the individual be exposed to hazard.

Mr. BRASCO. Right. In section 8336 of the law, the last part says, "The agency and Commission shall consider the full degree of hazard to which the employee is subjected in the performance of his duties."

Mr. RUDDOCK. Yes.

Mr. BRASCO. It seems to me the objective is not merely to have a young work force for no reason but to have a young force where the duties involved are of a hazardous nature and, therefore, a strain on the individual involved. That is why you have this section 8336. Am I not correct in assuming that?

Mr. RUDDOCK. You are correct. Congress very clearly and very definitely had in mind that one of the reasons which, in the judgment of Congress, justified early retirement for the law enforcement officer was the existence of hazard.

Mr. BRASCO. In connection with this, yesterday we had some testimony and I was rather concerned. I assume these are situations on which there may have been individual rulings at the time. I have here a list of the Federal agencies whose employees are now receiving hazardous duty retirement benefits, and I find included the Board of Parole of the United States.

Mr. RUDDOCK. Yes. That is because of the provision in section 8336 which includes within the definition and within those who are quali-

fied, people who have frequent direct contact with prisoners. That is the basis on which the Board—

Mr. BRASCO. That makes it dangerous?

Mr. RUDDOCK. Potentially.

Mr. BRASCO. Unless I misunderstand it, as someone who practiced criminal law for some 10 years before I came here, and particularly as assistant chief of the rackets bureau in the DA's office in Brooklyn, the Parole Board was not comprised of young, vigorous men. It was quite the contrary. It seems to me they do not even see the prisoners whose petitions they decide. Only in very rare circumstances do they grant personal appearances. If they do grant personal appearances, this is a case which comes to them under the maximum security precautions.

I just cannot see how we got involved with the Board of Parole in terms of their need to be young. Let's forget the hazardous duty.

It very well may be that this law was very ill-conceived in its drafting so as to be able to include the Parole Board, but at least there is room for us to agree that this is a very odd kind of situation unless there is something among the duties of the Board of Parole that I do not know. Would you agree with that?

Mr. RUDDOCK. Yes. The only basis on which they qualified—I am speaking from memory—was the presentation of evidence that they do have frequent direct contact with prisoners.

Mr. BRASCO. How about the Fish and Wildlife Service? What is so dangerous about their work? I always get the picture of serenity, open air, and good living. Every once in a while, you give a guy a ticket who is catching over his quota of fish or something, but that does not mean he is going to take out a gun and start shooting at you because you gave him a ticket for fishing too much.

Mr. RUDDOCK. You are questioning the degree of hazard?

Mr. BRASCO. Yes. It seems to me the whole thing is interwoven between the need for young men and the hazard.

To be quite candid with you, I believe we have applied the standards backwards. It very well may be that this particular section we are talking about needs some redrafting but, if the Commission is basing it on hazard and that the men involved in the service must be young, that seems to me not to be true of a number of categories listed here.

If we are talking about its going to cost too much money and we do not want to do it for that reason, that is another thing. But to try to minimize the number or the kind of fires that occur on Federal installations as opposed to our cities in opposing coverage for Federal firefighters and then to say we are going to include the Fish and Wildlife Service, the Board of Parole, and the Immigration and Naturalization Service—I cannot remember the last time I heard of any immigrant clonking an inspector on the head—I just do not understand this.

Mr. RUDDOCK. Mr. Brasco, it may very well be that the present provisions have been extended farther than is necessary to accomplish the purpose originally intended by the Congress. The Commission would vigorously oppose any extension to any additional groups. If we have gone too far, we would also say that we should go no farther.

Mr. BRASCO. Now we are coming to the crux of the problem. I agree

with you maybe you have gone too far. I think the answer may be that we should take some of these classes out of there and put in people who deserve to be in there by virtue of the fact that they do perform a hazardous duty.

There is, in my opinion, a great need to have a young and viable force in firefighters. I do not think two wrongs ever make a right, particularly in the area of drafting legislation. Maybe that should be the thrust of it.

I would have no objection to taking out the Board of Parole, the Fish and Wildlife Service, and a few other people here. The real point is not the fact that we have gone too far, but are Federal firefighters entitled to coverage. I personally believe that they are.

I was told yesterday that in 1968 there were 376 deaths and 2,200 injuries and millions of dollars of loss at Federal installations as a result of fires. Would you agree that those are accurate figures?

Mr. RUDDOCK. I would defer, if I may, Mr. Brasco, to Secretary Kelley, who will follow me, and who I am sure is equipped to respond to that question.

Mr. BRASCO. Assuming that is accurate, do you not think that indicates the danger that the firefighters are exposed to? I am not saying the 376 who died are firefighters or the 2,200 injuries are injuries to firefighters. I assume some of these would be civilians or military personnel employed at the installations.

I am no expert in firefighting, either, but as laymen do you not think that is indicative of a rather hazardous kind of job and a category which falls within the intent and purpose of the original law?

Mr. RUDDOCK. The statistics you have given very definitely indicate a hazard.

Mr. BRASCO. With all due respect to the firefighters and everyone else concerned, if I am stuck in a burning building I would like to think someone is coming up who is able to rescue me.

Mr. RUDDOCK. I think there is an inconsistency or anomaly between seriously considering early retirement for Federal firefighters and recognizing the fact that one of the sources for recruiting Federal firefighters is people who have just retired after 20 years of service in municipal firefighting.

Mr. BRASCO. That is just it. You do that in law enforcement, and it seems to me you would be able to attract younger people to the job of firefighter if the benefits were better and commensurate with the number of hours and the amount of hazard that goes with the job.

I do not know whether there is any inconsistency. I think the inconsistency is on the part of Government and, if you will, the section that seems to make a distinction between firefighters and law enforcement when, it appears to me that the requirements for people who obtain those jobs and perform them efficiently are exactly the same; no difference.

Mr. RUDDOCK. I have seen no evidence from any source that the Federal firefighters are anything less than efficient and vigorous. In other words, no one has given me any evidence of any deficiencies on the part of the existing Federal firefighting force.

Mr. BRASCO. I suspect when we have testimony about law enforcement agencies, we would be talking about the same thing. I think that is true in one case and it is obviously true in the other.

Mr. RUDDOCK. I cannot disagree with that.

Mr. BRASCO. I have no further questions. Thank you.

Mr. HANLEY. Mr. Ruddock, do the job descriptions and classifications provide for the element of hazard?

Mr. RUDDOCK. Yes, sir. I am reading from a draft of an as yet unpublished set of standards and qualifications.

Mr. HANLEY. Do they exist presently?

Mr. RUDDOCK. Yes, it is my understanding that they do. This includes this very language: "The knowledges, skills, and abilities required by the hazards in the firefighter's job have been taken into account in the evaluation criteria established in this standard."

Mr. HANLEY. You mention this has not been published. Is this a recent classification, or is this one that has prevailed?

Mr. RUDDOCK. It is a new set of standards. The same factor is taken into consideration in the present classification of firefighters.

Mr. HANLEY. Is it true that those in this category do not receive any hazardous duty pay, per se? Is that a correct statement?

Mr. RUDDOCK. I believe so. I am not an expert on the pay aspects. I do know that most of them receive an addition to base pay because of the standby provision, but I think the hazard is built into the classification of the position, rather than the position being classed at a certain grade and then hazardous pay added to it.

Mr. HANLEY. The information provided me is that there is no provision for hazardous duty pay.

Mr. RUDDOCK. It is currently recognized in the fixing of the grade of the incumbent.

Mr. HANLEY. But per se, it is not provided for.

Mr. RUDDOCK. As a specific add-on, no, sir.

Mr. HANLEY. I have before me the report of the Senate committee with regard to the legislation. It reveals that the rate of lost time for job-related injuries incurred by firefighter personnel was 12.5 per 100 workers. Heart and lung diseases accounted for 55 percent of the deaths of firefighters.

Have you any comment on that figure?

Mr. RUDDOCK. Again, I would defer to Secretary Kelley, but I believe you will find that those statistics refer to municipal firefighters rather than to firefighters in the Federal service.

Mr. HANLEY. That is correct. It does not specify. It is in the report of the Senate committee.

I have no further questions, Mr. Ruddock.

Mr. BRASCO. I want to say we have some information this morning in the form of a letter from Mr. Waller and Mr. Davis of the International Association of Firefighters, in which apparently they dispute some of the cost figures that the Commission has given.

Without belaboring it or making it any more lengthy than it is, it is apparent what they say is that in the first year, according to their computation, 200 firefighters would retire, and that would effect an increased cost for that year of \$75,000. Then they go on to say further that, obviously, when you get men retiring and you fill those vacancies with new personnel, the new personnel would come in at a lower grade than those who went out. Again, it becomes a battle of the accountants or bookkeepers. They come up with savings of \$536,800 for the first year as a result of the turnover.

I do not profess to be an expert in this area, either, but it would seem to me that there is great discrepancy, first of all, between the figures.

The first one, I would know nothing about, 200 firefighters, and how the computation is made; but I am sure their accountants are as competent as anyone else. The second figure seems to me to make some sense. If you let a guy out of the service who is an older man and, therefore, receiving higher salary, and get a new man in, if he does not receive that higher salary and all the benefits of the older man, there would be a saving.

Mr. RUDDOCK. The saving, of course, is offset by far by the fact that your new employee will also be earning retirement benefits which will have to be paid off at some future date.

Mr. BRASCO. The Commission's objection to the whole bill, then, is based on a figure projected sometime in the future.

Mr. RUDDOCK. This is saying that the liability for the retirement benefits for the present firefighter force, which is a little over 12,000 people, is increased by \$176 million if this bill is enacted. With all due respect to Mr. Davis, who has been a friend of mine for many years, I would place more reliance, by far, on the estimates of the retirement costs made by the Commission's actuaries than I would on the facts presented on this piece of paper.

Mr. BRASCO. Thank you.

Mr. HANLEY. Thank you, Mr. Ruddock. We greatly appreciate your appearance here this morning.

We have a time problem here this morning, inasmuch as the House is meeting at 11 o'clock. I suggest that we will call the next witness and continue until such time as the first quorum call is sounded.

With that, I call our next witness, Mr. Roger T. Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs.

I believe Mr. Kelley is accompanied by Mr. William C. Valdes, Staff Director, Office of Civilian Personnel Policy. Is there anyone else with you, Mr. Secretary?

Mr. KELLEY. Yes. Mr. Duhrkoop, of the Navy, and Mr. Davison, of the Army, who are professionals in the firefighter category and can provide some backup to my testimony.

Mr. HANLEY. You may proceed with your testimony.

STATEMENT OF HON. ROGER T. KELLEY, ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS; ACCOMPANIED BY WILLIAM C. VALDES, STAFF DIRECTOR, OFFICE OF CIVILIAN PERSONNEL POLICY; LAWRENCE DUHRKOOP, FIRE PROTECTION ADMINISTRATOR, NAVAL MATERIAL COMMAND HEADQUARTERS; AND STEPHEN P. DAVISON, FIRE PREVENTION AND PROTECTION BRANCH, OFFICE OF THE ARMY CHIEF OF ENGINEERS

Mr. KELLEY. Mr. Chairman and gentlemen, I appreciate the opportunity to present the views of the Department of Defense on S. 578 which would authorize retirement on full annuity at age 50 after 20 years for Federal firefighters, with annuities to be computed at 2 percent of their high 3-year average pay multiplied by their total creditable Federal service.

Senate Report No. 91-1092, 91st Congress, second session, of August 12, states that the purpose of this legislation is to extend to Federal firefighters the same hazardous duty retirement provisions of title 5, United States Code, now provided for certain Federal law enforcement officers. Federal firefighters are not, in fact, exposed to hazardous conditions in the performance of their normal duties that would compare to hazards encountered by municipal firefighters and many other Federal employees.

In considering the need for this legislation, it is important to recognize that there are many differences between the demands of the position of firefighters in a military installation, where most Federal firefighters are employed, and the position of a municipal firefighter. There is a substantially lower incidence and lesser severity of fires on military installations than in municipalities. For example, for every million man-hours worked, municipal firefighters in the United States suffering 43.8 lost-time accidents. This compares with .9 lost-time accidents per million man-hours worked by Navy firefighters in 1969. The extensive fire prevention programs at Defense installations provide a far greater degree of supervision, inspection and regulation than in a municipal setting. Consequently, the incidence of fires at Defense installations is low. For example, fires on Army installations involving losses of \$100 or more total about 600 annually; this averages less than two such fires per installation per year. This low incidence of fires naturally has a direct effect on the degree of hazard to which our firefighters are exposed.

To further illustrate this point, accident statistics furnished by the Department of the Army indicates that there has been only one fatality among Department of the Army firefighting personnel since 1952, and this fatality was the result of a heart attack, not an injury. During this period, there was a total of 170,000 firefighter man-years worked. Total injuries resulting from fires at Army installations average about 95 per year.

Most of these injuries are suffered by nonfirefighting personnel, usually building occupants who attempt to put out fire prior to the arrivals of the firefighters. Injuries to firefighters are a small portion of this total, and are mostly minor in nature. So far in fiscal year 1971, for example, Army firefighters have sustained only on injury, and this injury involved a lacerated finger.

The latest available accident data for the Department of the Navy are for the calendar year 1969. Approximately 5,000 Navy civilian firefighter man-years were worked during 1969. During that year, there was a total of 22 injuries by fire or flame to nonfirefighter personnel on Navy installations and 16 injuries to firefighters which involved some degree of lost duty time, but none involved fatalities to firefighters.

The latest available data from the Department of the Air Force indicates that during fiscal year 1969, there were 975 fires involving losses of \$100 or more, of which three fires could be classified as major fires. During this period, there were five reported injuries to both military and civilian firefighter personnel, and no fatalities. Approximately 4,110 Air Force civilian firefighter man-years and 9,157 military were worked in fiscal year 1969.

It is clear from these data that Federal firefighters work in a controlled environment with less exposure to hazard than municipal fire-

fighters. It is wrong to infer a need for preferential early retirement provisions for Federal firefighters from the accident experience and hazard exposure of municipal firefighters.

Of equal concern to us is the inequitable effect of this legislation, if enacted, on employees in other occupations where exposure to injury is equal to or greater than that of Federal firefighters. Examples of such occupations are ordnance men who work with explosives and incendiaries; employees who work on scaffoldings and structures 100 feet or more above ground level; laboratory employees working with toxics and micro-organisms; employees working with missiles during "ready go" status; employees assigned aboard submarines undergoing sea trials; and employees assigned aboard aircraft during flight tests.

We see no need for this legislation. Its principal effect would be to increase the cost of firefighters' retirement, generate demands for like consideration on behalf of many other Federal employees whose jobs have equal or greater work hazards. We do not believe it would have the effect of inducing early voluntary retirements. Accordingly, we strongly urge that S. 578 not be favorably considered by this subcommittee.

Mr. HANLEY. Thank you, Mr. Kelley.

Refer to your second paragraph on page 4, where you cite examples of other occupations which may be considered hazardous. You refer to occupations such as ordnance men, people working on scaffolding, structures, laboratory employees, and so forth, but as I read this, I think there is a vast difference between the two categories, because the category which you refer to are providing a service which is non-emergency in nature as opposed to that of a firefighter; is this not true?

Mr. KELLEY. That much of it, Mr. Chairman, is certainly true. I think the best way to get this in focus is to use the indicator of accident proneness or accident exposure, which is used throughout industry and throughout the entire Nation in measuring safety performance. It is that of accident frequency, which is the number of lost time accidents which occur per million man-hours of exposure.

U.S. Army-wide, the accident frequency rate for fiscal year 1969 was 3.6. For the Navy it was 3.7. For the Air Force it was 5. Against that the frequency rate for firefighters is less than 1.

Stated differently, the number of lost-time accidents occurring per million man-hours of exposure is from 3 to 5 times lower for DOD firefighters than it is for all DOD employees, and all DOD employees, of course, includes white-collar as well as blue-collar people.

Mr. HANLEY. Apparently then either there is a discrepancy, or the report of the Senate committee is referring to another type of firefighter. For instance, there are statistics here related to heart and lung disease, accounting for 55 percent of the deaths of firefighters. Would you comment on that.

Mr. KELLEY. I am not familiar with the statistic, but the rest of the statistic that you cited earlier undoubtedly is related to municipality firefighting activity, and could not be related to Federal firefighter activity, because there is a very, very serious discrepancy between the figure that you mentioned and the actual experience of Federal firefighters.

Mr. HANLEY. You then discount also this statistic: "Lost time for job-related injuries incurred by firefighter personnel was 12.5 per 100

workers." You would discount that statistic with regard to its applicability to the Federal firefighters.

Mr. KELLEY. Yes, sir; I do, insofar as its alleged application to Federal firefighters. You see, the Department of Defense having a total of almost 11,000 firefighters accounts for all but 2,000 of those who are employed as Federal fighters, and the statistics, as I cited a moment ago, are not only very much lower than that, but actually several times lower than the average accident experience of all other Federal employees.

Mr. HANLEY. I refer again to part of your testimony on page 1, which I believe can be described as an arbitrary statement. You say, "Federal firefighters are not in fact exposed to hazardous conditions in the performance of their normal duties that would compare with hazards encountered by municipal firefighters and many other employees."

Well, I find it difficult to agree that the Federal fireman fighting a barracks blaze is exposed to less of a hazard than a municipal fireman fighting a residential blaze. What would be the difference?

Mr. KELLEY. Of course hazard has to be mentioned or has to be considered in terms of its severity and its frequency. Comparing the Federal firefighter with the municipal firefighter, one measurement is the number of working fires which the firefighter has to address himself to in the course of his job. The ratio of firefighters to working fires in the Department of Defense is 0.38 per year, which means that every year on the average a firefighter is engaged in fighting one working fire.

Against that, the average for municipal firefighters is 7.3, so the incidence of fires which the municipal firefighter addresses himself to in this job is greatly more than the incidence of fires for the Federal firefighter.

The other factors which caused me to say in my testimony that the Federal firefighter works in a controlled environment is that his job consists largely of preventing fires that would otherwise happen, and because we have control over our own environment, because it is a working environment for which we have management responsibility, most of his job consists of fire inspection and fire control, fire deterrence, in other words, and the things that cause fires in homes, the things that cause fires in commercial buildings, are controlled before those fires have a chance to start in Federal controlled buildings, factories, offices. As these gentlemen could testify, the job of the firefighter is largely a fire control operation, and not a firefighting operation.

Mr. HANLEY. With due respect to the statistics that you have provided us, I think we overlook another element here, and that is the element of anxiety. The firefighter in the employ of the Federal Government, is he not subject to the same sort of anxiety that any fireman might be subject to; forever apprehensive about the sound of that gong that is going to take you into what could be a disastrous situation, and which might result in the loss of your life?

Throughout the tenure of service of the Federal fireman, does he not live with this anxiety, in the same sense that any fireman would live or endure?

Mr. KELLEY. No, sir; I don't think anywhere near the degree that a municipal firefighter would, because the Federal firefighter is familiar with the environment because he has an opportunity to control the

environment. This is not true, in large measure, of the municipal firefighter. The opportunity which the municipal firefighter has for fire control is very limited. Most of his job is firefighting. Most of the Federal firefighter's job is fire control, and because he controls the environment, because he has removed the cause of fires, his anxiety is removed along with it.

Mr. HANLEY. You provide a rather interesting statistic with regard to the fact, according to your testimony, that there has been but one fatality since 1952.

Mr. KELLEY. In the Army, sir.

Mr. HANLEY. In the Department of Defense, throughout the Department of Defense?

Mr. KELLEY. No, sir. I think I said, or I meant to say at least if I didn't—

Mr. HANLEY. Yes, you do. You say, "among Department of the Army firefighting personnel." What about the other branches?

Mr. KELLEY. The Navy had none in calendar years 1969 or 1970. The Air Force had one in the past 5 years.

Mr. HANLEY. For instance, you can relate back to 1952 with the statistic for the other two branches?

Mr. KELLEY. No, sir; I cannot.

Mr. HANLEY. Mr. Brasco?

Mr. BRASCO. This colloquy is most interesting. I would hope—and I don't say this facetiously—that we can keep this on a plane other than trying to indicate maybe that we don't even need the firefighters at this point, because they have done such a good job of preventing fires.

I think what the basic issues are, No. 1, should a firefighter be of the age and physical ability that one should be, if called upon to perform that duty, not in terms of the number of incidents that may arise.

No. 2, what one has to be concerned with is some of the things that I heard in the testimony yesterday. During that testimony, it was brought out that Mr. Hogan, who is not here this morning, has somewhere in his district a location known as Indian Head, an installation which has all kinds of volatile substances and exotic fuels that could have the place go up at any time. Obviously the ideal situation is one of control, so you don't have any kind of incident at an installation like that, but nevertheless if one does occur, this is what we are talking about, when we talk about hazardous duty, and the ability to perform your duty, and whether or not there is a need for younger men.

Also, I understand that a number of these firefighters are at airports. We had some testimony yesterday. I know I would hate like heck to be out there where you had 500 landings a day with new trainees. I don't think that that is a situation where you can control anything, if you have to run to a plane that has just smashed up, pulling the pilot out and whoever else may be in there. I think that these are real problems, in terms of the overall picture, ones ability to do the job assigned, and the fact that they have to be willing and able to put their life on the line to perform. I think that that certainly falls within the category of what we are talking about; is that not correct? Let's forget about the municipal firefighters for a minute, in terms of comparing them with the Federal firefighters.

Mr. KELLEY. You have made several points, Mr. Brasco. Which one do you want me to respond to?

Mr. BRASCO. Well, if you remember all several of them you can pick any one of them or all of them.

Mr. KELLEY. You made the point first of all that the central issue should be whether the job of Federal firefighters does not in fact require people of younger age and better physical conditions, because in a different situation they are called upon to do the same things that a municipal firefighter would be called upon to do in fighting a fire.

Mr. BRASCO. That is right.

Mr. KELLEY. It is my opinion, supported by professional firefighter management personnel in the service, that the physical demands of Federal firefighting are not as great as the physical demands of municipal firefighting.

Let me support it if I may. This is partly because the frequency of fighting fires is, as I have indicated, far less in the Federal sector than it is in the municipal sector.

Mr. BRASCO. I know that frequency has some relation, but don't you think that even on one fire those demands would remain constant?

Mr. KELLEY. Conceivably there could be a fire of such proportions that the Federal firefighter crew would have to be augmented by municipal crews called in. You mentioned Indian Head, where there was the ever-present possibility of the whole thing blowing up, and to the extent that possibility exists, all employees, not just firefighters, are susceptible to the hazard, because if there is a spontaneous explosion, then anybody within range of the explosion is a victim of it.

Mr. BRASCO. I assume that the military, in its wisdom, has provided for a number of kinds of warning systems. As long as we are dealing in the range of the speculative, I would think and hope that at some point at the time of danger that everybody other than the firemen would be off that base. My point is this. One thing remains constant. That the fireman has a peculiar kind of a job, in that he has to battle fire, and I think whether you have 100 fires or just one fire, the qualifications and the hazards remain the same.

I agree with you again that frequency makes the job much more difficult, but for just that one fire, there is a constant that I don't think can be deviated from. I am just wondering if you agree with that?

Mr. KELLEY. No, sir; I very strongly disagree with it, and I disagree with it for the same reason really: That being the single policeman in a lonely town that has had one burglary among its crimes in the last 15 years cannot be equated to the hazard of being a policeman in a municipal or metropolitan area where crime is running rampant.

Mr. BRASCO. Right, but the problem is in terms of exposure. You are exposed in my opinion the same, because all you need is one incident of burglary to be killed or injured. I agree with you that incidence in terms of frequency has something to do with it, but I think that when you reduce this thing to its final version, you will find that the fireman is there ready, willing, and able to perform his duties, and I think he has to.

Mr. KELLEY. Certainly; yes.

Mr. BRASCO. And I think that he has to have and there has to be maintained some schedule commensurate obviously with the hazard and with the need to be able to perform in a proper manner, which means age.

Also the thing that kind of disturbs me is that I feel the role of our committee and myself as an individual member should be involved with an overall look at this. I would be much happier if someone came in here and said we are concerned about money, unfunded liability, and other things involved here. How many deaths have we had for the U.S. Board of Parole? How many deaths have we had or injury for that matter of Fish and Wildlife people, and there is a whole list of people involved in this thing. Let's do the job correctly once and for all and include those positions that need to be and exclude those that do not qualify.

Mr. KELLEY. I can't address myself to that point but I can, and I think properly, address myself to a comparison between the safety accident frequency and severity experience of Federal firefighters, and the accident frequency experience of Federal employees overall. As I have indicated, Federal firefighters are several times better off in terms of having a lower frequency experience than are all Federal employees.

Mr. BRASCO. You know if you want to make that kind of an analogy, I can indicate to you that the degree of hazard is much greater among civilian policemen as opposed to the FBI. I have had situations where we had men in the squad catching 40 to 50 felonies a month. The whole thing is true. When you want to compare frequency, because of civilian duty as opposed say to Federal duty, the basic thing that we have to understand is that there is a hazard in certain categories of work, and that there are certain physical qualifications that must be met. I just think that firemen have at least always been, in my opinion, in the same category as law enforcement. I don't agree with this laundry list that someone handed in that makes U.S. parole men and a number of other categories that I have mentioned, part of law enforcement in terms of hazard. I think to use the argument in that way, so as not to include firemen, firefighters in this schedule, is not really fair, in view of the whole picture.

Mr. KELLEY. Sir, I can't talk to those other categories, as I am sure you appreciate. Therefore, I have to address myself to the question of whether or not the job of being a Federal firefighter is more or less hazardous than being a Federal employee overall. Statistics clearly show that it is less hazardous to be a Federal firefighter.

Mr. BRASCO. Let me ask you this question: I had these statistics yesterday as some one testified, that there were 376 deaths in 1968, and 2,200 injuries as a result of Federal fires. Are you able to agree or disagree with those statistics?

Mr. KELLEY. I can assure you that the statistics do not apply to firefighter personnel. I have indicated what the statistics are for firefighter personnel fatalities.

Mr. BRASCO. Don't you think that that is indicative of the hazard that they have to face, if there were 376 people killed in 1 year as a result of fire?

Mr. KELLEY. The indicator is what happens to the firefighter personnel when he addresses himself to the business of fighting a fire. These are trained people. They know how to approach a fire, and they know how to eliminate their own hazard as they approach a fire.

Mr. BRASCO. Would you say that is a lot of deaths, 376 in a year?

Mr. KELLEY. The 376 deaths have no relationship to firefighter personnel exposure.

Mr. BRASCO. You see we don't agree. I think it has a definite relationship in the amount of hazard. I think it is indicative of the hazard that these people have to face, when you talk about 2,200 injuries and 376 deaths, when you know and I know, I assume, and I don't know what the ratio is in terms of time from when the call goes in and when these fellows get at the scene, I would think it is a relatively short period of time, if they are on a base or an installation. It seems to me they are on the scene while people are dying as a result of these fires.

Mr. KELLEY. Mr. Brasco, I don't know what that figure is. I know it isn't a figure related to firefighter personnel, and I think it would be appropriate to determine the source of the figure and what it stands for.

Mr. BRASCO. As I said, one of the organizations, I don't remember which, testified that in 1968 there were 376 fatalities and 2,200 injuries. They didn't say they were firefighters. They said that these were as a result of fires on Federal installations, and I feel that this is, for 1 year, a large amount of deaths and injuries, which to me was indicative of the kind of peril that these fellows face when they go to fires on bases.

Mr. DUHRKOOP. That is not indicative of the military department's loss. For example, the Navy in fiscal year 1969, which is half of calendar year 1968 and half of calendar year 1969, had nine deaths.

Mr. BRASCO. That is what I am saying. Where does this come from?

Mr. DUHRKOOP. I don't know.

Mr. BRASCO. Are you disputing that statistic or is that true?

Mr. DAVISON. No, sir; that is the Federal Fire Council statistic. These people are either already dead or they died of injuries at fires.

Mr. BRASCO. That was in 1968.

Mr. DAVISON. That was before the fire department got there.

Mr. BRASCO. That was in 1968.

Mr. DAVISON. This could well be and this includes situations where an aircraft will crash on a farm, and Federal employees are dead immediately and there is no fireman within 50 miles.

Mr. BRASCO. Is there any way we can be brought up to date on this, because to me that is a lot of deaths, 376, and 2,200 injuries.

Mr. DAVISON. If you relate it to municipal experience, it is much less in deaths per million.

Mr. BRASCO. I would rather not do that, because I think just like the FBI can't be equated with the civilian police force, I don't think that you can with this situation, as they have certainly a much larger and much more difficult area to contend with. I agree, except that I think that on Federal installations, 376 deaths in one year is a lot.

Mr. KELLEY. You would like to know for the record then how many Federal deaths have occurred?

Mr. BRASCO. We are talking about 1968. That is the year that we were given yesterday. I would like to know did they occur in buildings?

Mr. KELLEY. Why don't we obtain that information for the record for each of the last 5 years?

Mr. HANLEY. Without objection, you will secure that information and make it available to the committee.

(The information follows:)

LOSSES, INJURIES, AND DEATHS RESULTING FROM FIRES ON FEDERAL INSTALLATIONS WORLDWIDE, FISCAL YEARS 1964-68¹

Fiscal year	Number of fires	Amount of loss	Injuries (all personnel)	Deaths (all personnel)
1964.....	24, 716. 0	\$221, 539, 842	1, 340. 0	290. 0
1965.....	36, 773. 0	327, 872, 732	1, 375. 0	425. 0
1966.....	18, 122. 0	235, 367, 507	1, 452. 0	323. 0
1967.....	22, 423. 0	265, 954, 158	1, 728. 0	354. 0
1968.....	19, 157. 0	294, 554, 905	2, 232. 0	376. 0
5-year average.....	24, 238. 2	269, 057, 829	1, 625. 4	353. 6

¹ Fiscal year 1969 data not yet compiled.

Source: Federal Fire Council.

Mr. BRASCO. I have no further questions.

Mr. KELLEY. May I say one thing, which I think is responsive to your comments, Mr. Brasco. For 23 years, before joining the Department of Defense, I was in industry with Caterpillar Tractor Co., and my administrative responsibilities for 5 years preceding this job included administrative responsibility over industrial safety, fire control, and plant protection. The fire control mechanisms used in private industry are essentially the same as are used in Federal activities, and the incidence of hazard are comparable to the incidence of hazard in Federal installations.

It is for that reason that I speak with some background of experience and conviction on the sharp contrast between the hazards and the exposures of Federal firefighting and those of municipal firefighting. They are just two different situations altogether, because the environment in the one case, in the case of the Federal, is an environment which the firefighter himself can control, and the environment in the municipal sector is one that is largely uncontrollable by the firefighter.

Mr. HANLEY. I find that most of your testimony is based on statistics and not necessarily any reflection on the anxiety or the human element that we have discussed here this morning. I am dismayed and unhappy with the language of the Federal Personnel Manual, which states, "The only reason that optional retirement is available is because certain employees are no longer capable of carrying on efficiently, and their replacement by younger men would improve the service."

That is a rather callous description. At another point the Federal Personnel Manual states, "A more generous method of computing the amount of annuity is provided not as a special reward for the type of service involved, but rather because a more liberal formula is usually necessary to make the earlier retirement economically possible."

Obviously we are concerned, or I should say some of those who have appeared before this committee are concerned only with the dollar factor, and rather callously disregard the human element that prevails. I am further concerned with your testimony in the light that you have provided us with a rather not good statistic, a statistic favoring your position related to the Department of the Army with regard to the number of deaths since 1952, but for some reason you failed to provide us with a similar statistic for the Department of the Navy

and the Air Force. That transmits some sort of message to me that these statistics are designed for a particular purpose.

Mr. KELLEY. We would be happy to furnish the statistics, if available.

Mr. HANLEY. Was there any reason that these statistics were not contained in this testimony?

Mr. KELLEY. The simple reason for giving you the statistic on the Army is because that statistic was readily available in the Army, and went back as early as 1952.

Mr. HANLEY. It seems to me that the other statistics would be as readily available, both Navy and Air Force.

Mr. KELLEY. If they had been I would have furnished them.

Mr. HANLEY. You are representatives of the Department of Defense in total?

Mr. KELLEY. Yes, sir.

Mr. HANLEY. So, for this reason, I have to be a little bit skeptical of the intent of these statistics.

Mr. KELLEY. I have furnished, in response to your questions, the statistics for the Navy and the Air Force that I have. I will be happy to go back and obtain those figures as far back as they go, as early as 1952, if they are available.

Mr. HANLEY. I would hope that they would be available, and in concurrence with our earlier agreement, I would hope that complete figures would be made available to this committee, and accurate figures, so that if there is a difference here, we want to know about it.

(The information follows:)

Data available on fatalities for firefighters in the Department of Defense for the past 5 years is shown below:

FIREFIGHTERS—U.S. CITIZEN-CIVILIAN, 1965-69

	Average number civilian firefighters (approximate)	Fatalities
Army.....	3,000	0
Navy.....	4,900	2
Air Force.....	4,100	1
Total, Department of Defense.....	12,000	3

Note: Records for years prior to 1965 are not available for Air Force and Navy.

Mr. KELLEY. Did you wish me to respond, Mr. Hanley, to your comment on the callousness of the statement?

Mr. HANLEY. If you will please.

Mr. KELLEY. I don't believe that is a callous statement, for this reason. I think a Federal agency has a responsibility both to the taxpayer and to the employee at the point the employee is no longer able to meet the requirements of the job. One of the ways to discharge the obligation to the employee who reaches that position is to provide him with the benefits and the provisions of early retirement.

Mr. HANLEY. For the reason that it is no longer economically feasible for the employer to maintain this person as an employee. Wouldn't you regard that as being rather callous?

Mr. KELLEY. For the reason primarily that the employee can no longer perform the requirements of the job. That is the basic test.

Mr. HANLEY. But we are still dealing only with the economics, and we aren't giving any consideration at all to the dedication and the service that this person provided this Government through the tenure of his or her service. Certainly we should and the consideration that he is due is the consideration of early retirement, if because of the requirements of the job he burns himself out at an early age, and is thus unable to meet the requirements of the job as he reaches an older age.

In my judgment it is rather harsh and callous language. It certainly doesn't evidence any gratitude at all to the employee who, in many instances, perhaps physically suffers through his or her service.

Mr. BRASCO?

Mr. BRASCO. No further questions.

Mr. HANLEY. Thank you gentlemen. Inasmuch as a quorum now prevails, the rules of the House require that the committee adjourn pending further call of the Chair. This concludes the hearings on this particular legislation.

(Whereupon, at 11:30 a.m., the subcommittee adjourned subject to the call of the Chair.)

(The statements which follow were received by the subcommittee for inclusion in the record.)

STATEMENT BY SPARK M. MATSUNAGA, MEMBER OF CONGRESS FROM HAWAII

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to present my views on legislation to include firemen in provisions authorizing early retirement for Federal employees engaged in certain hazardous occupations.

As you know, I am the sponsor of H.R. 11329, which is identical to S. 578 as originally introduced. With a technical amendment, S. 578 passed the Senate on August 18. I urge the subcommittee to approve S. 578 as passed by the Senate.

This legislation represents a continuing congressional concern in the area. In the 90th Congress, the Senate passed a similar bill, and both this distinguished subcommittee and the full Post Office and Civil Service Committee reported favorably on it. This year, if these steps are duplicated, I am confident that the full membership of the House will also approve, and we will achieve a measure of equity for Federal firemen.

These firemen are charged with preserving Federal areas and property, and federally protected communities, against the hazards of fire. These brave men run grave risks of personal injury and death, risks that have heightened drastically in the past several years.

Presently, about 16,000 Federal law enforcement officers are covered by section 8336(c), which provides an immediate annuity at age 50, after 20 years' service, for those who face exceptional hazards in the performance of their official duties. This provision not only allows equitable compensation to the men exposed to these hazards, but it allows the maintenance of a relatively young, vigorous, physically capable force of men.

Early retirement eligibility for these men is determined individually, on a case-by-case basis. The head of the employing agency must recommend such retirement, and the Civil Service Commission must concur in that recommendation. Not the general duties of the class of employees, but the specific, actual assignments of the individual applying for early retirement, are the determining factors. The same procedures would apply to firemen if they were included.

Why should Federal firefighters be included in the provisions of section 8336(c)?

Mr. Chairman and members of the subcommittee, I submit that the answer to that question is that the justifications for including Federal law enforcement officers are equally applicable to firemen.

There are over 12,000 Federal firefighters, about 350 of them in Honolulu. As the committee report on S. 578 points out, "These firefighters' fatality rate is 2½ times greater than that of policemen. One out of every eight firefighters—or 12.5 per 100 men—sustained a lost-time injury in 1965. Fifty-five percent of firefighters' deaths resulted from heart and lung diseases. Clearly firefighters' duties involve frequent exposure to danger."

In view of this substantial threat to the health and safety of Federal firemen, and the increasing susceptibility to injury that normally comes with advancing age, I believe that firefighters should be offered this opportunity to shorten their careers.

Mr. Chairman and members of the subcommittee, I urge that you move toward affording firefighters that opportunity, by approving S. 578.

I thank you for your courtesy.

STATEMENT OF KENNETH T. LYONS, NATIONAL PRESIDENT, NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES

The National Association of Government Employees, as the recognized representative of numerous units of firefighters throughout the Federal establishment, is vitally concerned about career conditions affecting these important employees.

This subcommittee now is considering a measure, S. 578, which would authorize retirement for Federal firefighters upon achieving 50 years of age and 20 years of firefighting service. The NAGE supports this measure as important both to the employees who would benefit from it and to the Federal service.

Of all the demands that firefighting makes upon its practitioners, the most crucial is that of youth and physical well-being. It is imperative and in the best interest of the Federal service that the employees assigned to the protection of lives and billions of dollars worth of Government property be physically able to perform their important responsibilities.

Firefighting, whether in a flaming building or on a fuel-soaked runway where an aircraft has crashed, requires youthful stamina and agility. It is no business for a 55- or 60-year-old person. It is, therefore, in the interest of the Government to provide a mechanism which will assure a continuing input of new employees at the lower age levels, thus guaranteeing an effective firefighting force.

To accomplish this, provision must be made to permit firefighters to retire when they reach the point that their reflexes are slowed and their resiliency lessened. To force them to remain on the rolls beyond this time blocks advancement opportunities for younger men and precludes needed recruitment.

We urge the subcommittee, therefore, to join the Senate in approving S. 578. It is much-needed and long overdue.

