

111TH CONGRESS
1ST SESSION

S. 602

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

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2009

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Firefighter Fatality
5 Reduction Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

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

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

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

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

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

1 sensus standards as a contributing factor in many
2 firefighter deaths.

(7) A comprehensive accounting of fire department compliance with national voluntary consensus standards would help policy makers seeking to enhance public safety and reduce avoidable firefighter fatalities.

8 SEC. 3. DEFINITIONS.

9 In this Act—

(1) the term “national voluntary consensus standards” means the most recently issued edition of the national voluntary consensus standards for firefighter and fire department staffing, training, safe operations, personal protective equipment, and fitness available on the date of enactment of this Act;

16 (2) the term “Secretary” means the Secretary
17 of Homeland Security; and

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

21 SEC. 4. SURVEY BY THE DEPARTMENT OF HOMELAND SE-
22 CURITY.

(a) SURVEY REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary, in consultation with the Task Force, shall begin to conduct

1 a survey of each career, volunteer, and combination fire
2 department located in the United States in order to ascer-
3 tain whether each such fire department is in compliance
4 with national voluntary consensus standards.

5 (b) CONTENTS OF SURVEY.—In conducting the sur-
6 vey, the Secretary shall—

7 (1) ascertain the rates of compliance with na-
8 tional voluntary consensus standards of—

9 (A) paid, volunteer, and combination fire
10 departments;

11 (B) fire departments located in commu-
12 nities of varying sizes; and

13 (C) fire departments in each of the States
14 and territories; and

15 (2) ascertain, for each fire department in the
16 United States, compliance with national voluntary
17 consensus standards for staffing, training, safe oper-
18 ations, personal protective equipment, and fitness.

19 (c) REPORT.—Not later than 2 years after the date
20 of enactment of this Act, the Secretary shall submit to
21 Congress a report—

22 (1) containing a summary of the findings of the
23 survey required under subsection (a); and

1 (2) that includes an accounting of fire depart-
 2 ment compliance with national voluntary consensus
 3 standards as described in subsection (b)(1).

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

6 (a) ESTABLISHMENT.—Not later than 60 days after
 7 the date of the enactment of this Act, the Secretary shall
 8 establish a task force to be known as the “Task Force
 9 to Enhance Firefighter Safety”.

10 (b) MEMBERSHIP.—

11 (1) IN GENERAL.—Members of the Task Force
 12 shall be appointed by the Secretary from among the
 13 general public and shall include—

14 (A) representatives of national organiza-
 15 tions representing firefighters and fire chiefs;

16 (B) individuals representing standards-set-
 17 ting and accrediting organizations, including
 18 representatives from the voluntary consensus
 19 codes and standards development community;
 20 and

21 (C) other individuals as the Secretary de-
 22 termines to be appropriate.

23 (2) REPRESENTATIVES OF OTHER DEPART-
 24 MENTS AND AGENCIES.—The Secretary may invite
 25 representatives of other Federal departments and

1 agencies that have an interest in the fire service to
2 participate in the meetings and other activities of
3 the Task Force.

4 (3) NUMBER; TERMS OF SERVICE; PAY AND AL-
5 LOWANCES.—The Secretary shall determine the
6 number, terms of service, and pay and allowances of
7 members of the Task Force appointed by the Sec-
8 retary, except that a term of service of any such
9 member may not exceed 2 years.

10 (c) RESPONSIBILITIES.—The Task Force shall—

11 (1) consult with the Secretary to conduct the
12 survey required under section 4; and

13 (2) develop a plan to enhance firefighter safety
14 by increasing fire department compliance with na-
15 tional voluntary consensus standards for staffing,
16 training, safe operations, personal protective equip-
17 ment, and fitness, including by—

18 (A) reviewing and evaluating the report re-
19 quired under section 4 to determine the extent
20 of and barriers to achieving compliance with na-
21 tional voluntary consensus standards among
22 fire departments; and

23 (B) considering ways in which the Federal
24 Government, States, and local governments can
25 promote, encourage, or require fire departments

1 to comply with national voluntary consensus
2 standards.

3 (d) REPORT TO CONGRESS.—Not later than 6
4 months after the date on which the Secretary submits the
5 report required under section 4(c), the Task Force shall
6 submit to Congress and the Secretary a report containing
7 the findings and recommendations of the Task Force to-
8 gether with the plan described in subsection (c)(2).

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