

2018

# SR6



# FINAL REPORT







Fire and EMS **are** in a crisis — right now. Simply put, EMS is woefully lacking in funding — and the number of volunteer firefighters has fallen dramatically over the decades.

This is not new and has been highlighted in “Pennsylvania Burning” (1976), the Senate Resolution 60 Report (2004), and the “Emergency Medical Services System in the Commonwealth of PA” Report (2013), amongst many others. While the General Assembly has worked to address a number of these challenges (see Appendix), more can and must be done.

On January 23, 2017, we announced the introduction of Senate Resolution 6 and sixteen legislative initiatives to work on during the 2017-18 Session. On April 26, 2017, SR 6 was officially adopted, establishing a 39-Member Commission comprised of the major Fire & EMS organizations and leaders from throughout the Commonwealth. The Commission began meeting in January 2018 in Harrisburg, and held meetings in Allegheny, Chester, Luzerne and Somerset Counties. Additionally, the Senate and House Veterans Affairs & Emergency Preparedness Committees held a hearing on the work of the Commission at the state fire academy in Mifflin County. Meanwhile, Senate Resolution 260 extended the SR 6 Commission until November 30, 2018, in order to provide the Commission with sufficient time to complete its work.


We’d like to thank the 39 members of the Senate Resolution 6 Commission, and particularly the six subcommittee chairs - for their dedicated work in spelling out the crisis, thinking outside the box and putting forth real solutions. Ultimately 92 recommendations were agreed upon at our September meeting after coming through the subcommittees. While most were unanimously agreed upon, there was of course some that were not. What we are most pleased about was that there was no divisions amongst Fire & EMS, career or volunteer firefighter, municipal or first responder interest -- **all** spoke with one voice and worked together for the good of everyone and the improvement of the emergency response system as a whole. As such, we hope that this Report will spur additional reflection and consideration in order to advance all of these recommendations.

We’d like to thank our meeting hosts and partners - Alle-Kiski Foundation, AT&T/FirstNet, Back Mountain Regional EMA, Chester County Emergency Services, Flight 93 Memorial, Pennsylvania Association of Fire Equipment Distributors, Pennsylvania Emergency Management Agency, the State Fire Academy, and Verizon - their hospitality was much appreciated.


Finally, we’d like to thank the Legislative Budget & Finance Committee for putting together the final report, along with the assistance of the Department of Community & Economic Development’s Center for Local Government Services, as well as the staff of the Senate and House Veterans Affairs & Emergency Preparedness Committees for coordinating all the work.


With that, we look forward to the implementation of the recommendations contained in this report as they provide a roadmap to revamping our Fire & EMS systems in Pennsylvania.

Sincerely,

  
Senator Randy Vulakovich, Chairman  
Senate Veterans Affairs & Emergency  
Preparedness Committee (Majority)

  
Senator Jay Costa, Chairman  
Senate Veterans Affairs & Emergency  
Preparedness Committee (Minority)

  
Representative Steve Barrar, Chairman  
House Veterans Affairs & Emergency  
Preparedness Committee (Majority)

  
Representative Chris Sainato, Chairman  
House Veterans Affairs & Emergency  
Preparedness Committee (Minority)

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## INTRODUCTION

The citizens and visitors of the Commonwealth of Pennsylvania benefit daily from the services, knowledge, and skills of fire and emergency medical service providers—career and volunteer providers who routinely place the safety and well-being of others above their own. Recent estimates have valued fire and emergency medical services (particularly through the use of volunteer fire companies and volunteer emergency medical services) to the Commonwealth in the billions of dollars, not to mention the lives saved and property preserved. While the exact value of volunteer services can be debated, it is clear they bring a monetary savings, while career staffing situations are necessary in metropolitan and other areas where volunteer services are not practical. The services play a critical role, and incentives and investments in those services must be identified to help sustain them. In the case of career services, there must also be investments made to assure these individuals can respond to the types of challenges posed.

Pennsylvania has been fortunate that citizens historically have readily volunteered to provide fire and emergency medical services to their communities since Ben Franklin introduced the Union Fire Company in Philadelphia in 1736. Pennsylvania emergency response professionals, however, face a current but continuing dilemma that deals with organizational design, service delivery, staffing, resources, and more. Over the years, service demands, training, available time to volunteer, and other issues challenge maintaining the readiness of emergency services organizations, especially as the costs of emergency assets and resources adequate to address growingly complex emergencies continue to rise.<sup>1</sup>

Unfortunately, this dilemma is not new. The Senate Resolution 60 Commission report in 2004, outlined many of the same issues that will be presented in this report. The delay or failure to take appropriate action has continued to extend and expand the challenges facing Pennsylvania emergency services.

As with the fire services, a mix of long-term stagnant and declining reimbursements, limited other financial support, and changes to our societal view of volunteerism have negatively impacted EMS throughout the state, leading to EMS agency failures and closures. These changes to the vital resource of emergency medical care have not only forced service delivery reductions to communities, but have put the ability of EMS to respond to disaster situations in serious question. Emergency responders protect the infrastructure of the Commonwealth when fire, storm management, hazardous material releases, emergency medical situations, rescue challenges, and similar emergencies are encountered.

As was noted in the SR 60 report, the aging population in the state places a significant demand on emergency services, as well. In addition, in recent years, Pennsylvania has been at the top of the list in the number of emergency responders killed in the line of duty. Accordingly, the emergency services of Pennsylvania are being tasked to provide greater levels of service with very limited resources. The need exists to develop a cost-effective method to provide these services throughout the Commonwealth.

Career departments in the Commonwealth have the unenviable task of protecting a large percentage of the state's population condensed into crowded urban areas, which creates challenging "fire loads," and increased emergency medical challenges exponentially higher than

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<sup>1</sup> For example, the number of volunteer firefighters has been declining from about 300,000 in the 1970s to about 60,000 in the early 2000's and then to 38,000 in 2018 due to a variety of reasons including the demands on time for training and fundraising.

in suburban and rural areas. Decreasing tax bases and increasing staffing costs in these communities hinders the ability to maintain viable fire and emergency medical services.

The financial situation of the state's EMS agencies is a key reason for the ongoing declining number of agencies. From a recent high of 1,645 agencies in 2013, the number in 2017 fell to a low of 1,278. The number of Advanced Life Support (ALS) agencies increased slightly statewide, but the Basic Life Support (BLS) and Quick Response Service (QRS) agencies had the highest losses and these are the agencies that provide EMS to our large rural population. Some of the decrease in the number of agencies is due to consolidations and mergers to keep some form of EMS response available to the citizenry, but in many cases, agencies have ceased operation due to a lack of funds, staff, or both.

Moreover, reduced staffing levels are linked to financial losses. The number of Emergency Medical Technicians has fallen by over 6,000 since 2012, while the number of paramedics is down by 4,000 providers in the same period of time. The Bureau of EMS estimate of the number of *active* providers in the system is approximately 17,000 statewide, down from recent estimates of over 30,000. Only 11,400 providers work for only one agency, with the remainder working or volunteering for as few as two agencies to as many as nine agencies in a six-month period. Many agencies are transitioning or have already transitioned from a volunteer-based model to one with part-time or full-time staff to maintain state licensure requirements and an ability to respond as required.

The changing dynamics of the family unit and the economic challenges these families face have also impacted staffing of ambulance services. Rising inflation and under-employment have forced many paid EMS providers to take multiple jobs at low wages just to meet expenses. In addition, a lack of funding to support initial and on-going training makes it simply unattractive for many to enter the industry. From the volunteer perspective, the increased needs of the family and other societal factors have resulted in decreased free time or interest to volunteer in emergency services. The decreasing number of volunteers, along with the PA Act 37 requirement for EMS agencies to be available and in-service around-the-clock is another reason that many agencies were forced to replace non-existent volunteers with career staff.

Continually rising costs for EMS personnel, benefits, vehicles, equipment, fuel, insurance, utilities and facilities coupled with lack of adequate payment for services is eliminating agencies statewide. Many municipalities provide minimal support for the cost of readiness, including the hard costs for being legally staffed and equipped to respond at all times.<sup>2</sup> An additional burden on agencies is their inability to collect payment for services except when a patient is transported to an emergency department, regardless of treatments and other services rendered on scene.

The agency level support is only one aspect of the funding situation. For the system to continue to grow from both a systems perspective and a clinical one, the funding of the state's structure must be increased to support federal initiatives, clinical research for patient care, and needed statewide system development. The EMSOF (Emergency Medical Services Operating Fund) contributions from 1985 are inadequate to sustain current system operations and, along with the depletion of federal monies, has returned EMS funding to 2006 (or earlier) levels.

The unique challenges of EMS agencies create the need for a variety of recommendations, as identified in the Senate Resolution 6 Commission Report, to keep this vital medical safety net for

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<sup>2</sup> For instance, the insurance payor mix for most agencies is heavy with Medicare and Medicaid patients, both of which pay significantly less than the actual cost of providing these vital services. Adding to the stress are third-party insurance payors who elect to send payment for EMS services directly to their subscribers – some of whom do not pass along the payment to the EMS agency that provided the services.



communities from collapsing.

The uniqueness of EMS includes:

- The requirement to respond 24 hours a day, 7 days a week—EMS cannot limit readiness time like other healthcare providers who determine their operating hours and can schedule patients.
- The impact of societal issues has affected EMS providers as many have left their EMS careers because of varied levels of PTSD.<sup>3</sup>
- Unlike most other healthcare entities, EMS must provide service without regard to ability to pay or consideration of what insurance plan the patient has or if they even have insurance.
- EMS must transport a patient to a receiving facility in order to be compensated for any services provided.
- The current model for most agencies—if not subsidized by declining donations, declining fundraisers, declining grant funds, and declining subscription programs—would not survive as a conventional business model.<sup>4</sup>
- Many municipalities in Pennsylvania provide no or little financial support of or oversight to their EMS agencies and are unaware of the challenges they face.

Legislative action to address these issues is needed. Resources, funds, and legislative change must be committed to improve the infrastructure for public safety performance. Moreover, we must try to find a flexible system that will work within this dynamic and challenging environment called Pennsylvania.<sup>5</sup> The greatness and diversity of Pennsylvania is reflected in the fire and emergency medical services organizations across the state. The issues and concerns of these service providers vary by location, funding, and community uniqueness. Therefore, a single approach solution will not benefit all organizations. Thus, this report uses a cafeteria style solution approach, allowing each organization the ability to select solutions best able to solve their particular issues or concerns.

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<sup>3</sup> On a daily basis, EMS providers see the most violent injuries and deaths; terminal illnesses; shocking living conditions of the elderly and children, and the emotional impact of the opioid crisis.

<sup>4</sup> A business, especially one with tax liabilities could not continue to exist when revenues do not begin to cover current daily operational costs, much less payment of a reasonable wage to its professional providers, global system advancement, capital improvements, forward-looking technology, and ever-increasing costs of doing business.

<sup>5</sup> Senate Resolution No. 60, Session of 2003 stated “The mere fact that the Commonwealth has a diverse topography, a dichotomy of old versus new communities that are both thriving and destitute, coupled with the largest of cities to the smallest of villages, involving over 2,500 fire companies and 1,300 emergency medical squads, makes the opportunity to develop a single system of emergency service delivery almost impossible.”

## SENATE RESOLUTION 6 COMMISSION MEMBERS

RESOLVED, That the commission consist of the following 39 members:

\*The majority and minority chairmen of the Senate Committee on Veterans' Affairs and Emergency Preparedness or designees.

The Honorable Randy Vulakovich, Majority Chairman  
Pennsylvania Senate Veterans' Affairs and Emergency Preparedness Committee

The Honorable Jay Costa, Minority Chairman  
Pennsylvania Senate Veterans' Affairs and Emergency Preparedness Committee

\*The majority and minority chairmen of the House of Representatives Committee on Veterans Affairs and Emergency Preparedness or designees.

The Honorable Steve Barrar, Majority Chairman  
Pennsylvania House Veterans' Affairs and Emergency Preparedness Committee

The Honorable Chris Sainato, Minority Chairman  
Pennsylvania House Veterans' Affairs and Emergency Preparedness Committee

\*The two co-chairs of the Firefighter and Emergency Services Caucus in the Senate or designees.

The Honorable Michele Brooks (Designee)  
Senate of Pennsylvania

Ron Jumper, Minority Executive Director (Designee)  
Pennsylvania Senate Veterans' Affairs and Emergency Preparedness Committee

\*The two co-chairs of the Firefighter and Emergency Services Caucus in the House of Representatives or designees.

The Honorable Frank Farry  
Pennsylvania House of Representatives

The Honorable Dom Costa  
Pennsylvania House of Representatives

\*The State Fire Commissioner or a designee.

Bruce Trego, Acting State Fire Commissioner  
Commonwealth of Pennsylvania

\*The Director of the Bureau of Emergency Medical Services of the Pennsylvania Department of Health.

Dylan Ferguson, Director  
Bureau of Emergency Medical Services  
Pennsylvania Department of Health

NOTE: Raphael "Ray" Barishansky, Deputy Secretary for Health Planning & Assessment in the Pennsylvania Department of Health, served in an acting capacity until Mr. Ferguson's appointment.

\*The president of the County Commissioners Association of Pennsylvania or a designee.

The Honorable Mark Hamilton

President, County Commissioners Association of Pennsylvania  
Commissioner, Tioga County

\*The president of the Pennsylvania Municipal League or a designee.

The Honorable Peter Melan, Council Member (Designee)  
City of Easton (Northampton County)

\*The president of the Pennsylvania State Association of Boroughs or a designee.

William Rossey  
Immediate Past President, Pennsylvania State Association of Boroughs  
Manager, Sharpsburg Borough (Allegheny County)

\*The president of the Pennsylvania State Association of Township Commissioners or a designee.

The Honorable John Kuntzelman  
Past President, Pennsylvania State Association of Township Commissioners  
President, East Pennsboro Township Board of Commissioners (Cumberland County)

\*The president of the Pennsylvania State Association of Township Supervisors or a designee.

Shirl Barnhart  
Immediate Past President, Pennsylvania State Association of Township Supervisors  
Chairman, Morgan Township Board of Supervisors (Greene County)

\*The President of the Pennsylvania Council of Governments or a designee.

Steve Bair, Director/Chief of Department (Designee)  
Centre Region Council of Governments

\*The president of the Pennsylvania Fire and Emergency Services Institute or a designee.

Don Konkle, Director  
Pennsylvania Fire & Emergency Services Institute  
NOTE: Tom Savage (Delaware County) served as Mr. Konkle's alternate.

\*The president of the Fireman's Association of the State of Pennsylvania or a designee.

Jim Carstater, President  
Fireman's Association of the State of Pennsylvania

\*Four members of a county firemen's association one each from a county in the west, central, east and southeast parts of the Commonwealth.

West

Harold Whyel  
Fayette County

Central

Ed Mann, Regional Director  
Provident (Mifflin County)

East

Beau Crowding, Deputy Director  
Chester County Department of Emergency Services (Chester County)

Southeast

Greg Jakubowski, Principal and Chief Engineer  
Fire Planning Associates, Inc. (Bucks County)

NOTE: Tom Garrity (Montgomery County) served as Mr. Jakubowski's  
Alternate

\*The President of the Pennsylvania Professional Firefighters Association or a designee.

Art Martynuka, President  
Pennsylvania Professional Firefighters Association

\*The President of the PA Career Fire Chiefs Association.

Jay Delaney  
President, Pennsylvania Career Fire Chiefs Association  
Fire Chief/Emergency Management Coordinator, City of Wilkes-Barre (Lackawanna  
County)

\*The President of the Pennsylvania Association of Hazardous Materials Technicians.

Joel D. Landis  
Director, Somerset County Department of Emergency Services EMA/9-1-1

NOTE: Rich Wagner (Allegheny County) served as Mr. Landis' Alternate

\*Two fire chiefs of volunteer fire companies in Pennsylvania: one of whom shall be selected by  
the President pro tempore of the Senate and one of whom shall be selected by the Speaker of the  
House of Representatives.

Bill Jenaway, Ph.D.  
Supervisor, Upper Merion Township (Montgomery County)  
Assistant Chief, King of Prussia Volunteer Fire Company

Frank Zangari, Jr., Fire Chief  
Borough of Girardville Fire Company (Schuylkill County)

\*Two fire chiefs of municipal fire companies in Pennsylvania: one of whom shall be selected by  
the President pro tempore of the Senate and one of whom shall be selected by the Speaker of the  
House of Representatives.

Senate Appointee

Daryl Jones, Chief  
Pittsburgh Bureau of Fire

NOTE: Tim Gregg (Lancaster County) was originally appointed by the Senate  
but resigned.

House Appointee

John Bast, Fire Chief  
City of Easton (Northampton County)

\*The president of the Pennsylvania Emergency Health Services Council or a designee.

David Jones  
Past President, Pennsylvania Emergency Health Services Council  
EMS Manager, Penn State University Health Services (Centre County)

NOTE: Janette Swade (Executive Director of the Pennsylvania Emergency Health Services Council as Mr. Jones Alternate

\*The President of the Ambulance Association of Pennsylvania or a designee.

Don DeReamus

Board Member & Legislative Chair, Ambulance Association of Pennsylvania  
Performance Improvement and Risk Management, Suburban EMS (Northampton County)

NOTE: Heather Sharrar (Executive Director of the Ambulance Association of Pennsylvania) served as Mr. DeReamus' Alternate.

\*Eight Fire or Emergency Medical Services members at large.

Senate

Barry Albertson, System Director  
Pinnacle Health Community LifeTeam, Inc. (Dauphin County)

Senate

Jeff Gooch, Fire Risk Reduction Coordinator  
Cranberry Township (Butler County)

Senate

Jerry Ozog, Deputy Fire Chief  
Hampden Township Volunteer Fire Company (Cumberland County)

Senate

Josh Wiegand, Chief  
West Deer Volunteer Fire Company 3 (Allegheny County)

House

Kimberly Holman, Executive Director  
Good Fellowship Ambulance & EMS Training Institute (Chester County)

House

Charles McGarvey, Sr., Chief Fire Officer/Fire Marshal  
Township of Lower Merion (Montgomery County)

House

Steve McKinniss, Administrator  
McCandless-Franklin Park Ambulance Authority (Allegheny County)

House

Kraig Nace, Chief of Operations  
Duncannon Emergency Medical Services, Inc. (Perry County)

## **SENATE RESOLUTION 6 COMMISSION NON-MEMBERS AND STAFF SUPPORT**

Monica Armstrong, Administrative Assistant  
Senate Veterans Affairs & Emergency Preparedness Committee (Majority)

Patricia Berger, Executive Director  
Legislative Budget and Finance Committee

Harry Bucher, Research Analyst  
House Veterans Affairs & Emergency Preparedness Committee (Minority)

Amy Brinton, Former Executive Director  
House Veterans Affairs & Emergency Preparedness Committee (Minority)

LuAnn Fahndrich, Administrative Assistant  
House Veterans Affairs & Emergency Preparedness Committee (Majority)

Sean Harris, Research Analyst  
House Veterans Affairs & Emergency Preparedness Committee (Majority)

Mike Hillman, Executive Director  
House Veterans Affairs & Emergency Preparedness Committee (Minority)

Ron Jumper, Executive Director  
Senate Veterans Affairs & Emergency Preparedness Committee (Minority)

Rick O'Leary, Executive Director  
House Veterans Affairs & Emergency Preparedness Committee (Majority)

Sean Sanderson, Local Government Policy Specialist  
PA Department of Community and Economic Development

Nate Silcox, Executive Director  
Senate Veterans Affairs & Emergency Preparedness Committee (Majority)



## EXECUTIVE SUMMARY

Even though the first recorded story of fire in America occurred along the James River in Virginia, it is Philadelphia, Pennsylvania that lays claim to the first volunteer fire company in America, in the year 1736. Troubled by the Fishbourne Wharf Fire of 1730, Benjamin Franklin and other Philadelphians realized they needed more and better firefighting equipment. In 1736, another disastrous fire forced more action which resulted in the forming of a fire brigade. Thirty civic-minded volunteers united to form the Union Fire Company. Thus, organized fire protection, in the form of the volunteer fire company, was born in Pennsylvania, forty years before the United States was formed. The characteristics of this first fire company, where volunteers worked to build their own equipment, raise funds, and place equipment strategically so that it could be accessed quickly in the event of a neighborhood fire, is as prevalent in Pennsylvania today, as it was, over 250 years ago. Training, personnel safety, costs to deliver services, and "customer expectations" were not a major concern in those times.

Similarly, the role of emergency medical services in this country and Commonwealth has developed from the creation of the emergency health services unit in 1970 by the Secretary of Health, being reorganized as the Division of Emergency Health Services in 1973, and today is known as the Bureau of EMS, responsible for statewide development and coordination of a comprehensive system to prevent and reduce premature death and disability.

During the 1970's, ambulance services became increasingly independent of fire services, due to increased regulation and staffing needs. Today, the overwhelming majority of EMS in Pennsylvania is non-fire based.

History reminds us that wagons were pulled by horses and staffed by police officers and volunteers to carry the injured or ill to a hospital or doctor's office. Then came the local practices of organizations, be they fire companies, service clubs, hospitals, or funeral directors to provide ambulance services. Similarly, neighbors helped neighbors in time of need.

Over the past 280 years, we have witnessed significant improvement in the equipment utilized, the increase in the number of fire and emergency medical services to more than 3,000 volunteer companies in Pennsylvania, and the expansion of their services to include rescue, hazard management, emergency medical service, hazardous materials response, terrorism preparedness, industrial and agricultural accidents, and more. One facet, however, has not changed; it still requires people to do the job of emergency responder, with most people responding in Pennsylvania being volunteers, as they were during Benjamin Franklin's day.

There have been some significant impacts on volunteers over almost three centuries, which have caused the original concept of the fire company and emergency medical service to change. For example:

- When equipment was pulled to a scene of a fire or medical situation by hand or by horse, over bumpy, non-paved highways, the concept of

multiple fire stations or locations of ambulances in close proximity, made perfect sense.

- As motorized fire and ambulance apparatus were introduced, and communities grew, the original volunteer companies continued their traditional role, yet transportation and infrastructure technologies were expanding and forcing changes in the fire and emergency medical services.
- Until recent years, volunteers were plentiful, and citizens contributed graciously to their volunteer organizations.
- As the population ages, volunteers dwindle, costs increase, and individual as well as community support shifts to other interests.

The necessity to identify efficient systems, legislative initiatives, and financial incentives becomes paramount to:

- Sustain a volunteer system where pride and community service build community value and pride.
- Provide necessary services for the protection and well-being of the community.
- Reserve financial assets for other critical services that cannot be provided by volunteers.

The reality is that each community is left to determine:

- "What do I need to protect the community?"
- "How much will it cost?"
- "What are my funding sources?"
- "How do I deliver these services?"

These "services" are neither static in their delivery nor consistent in their timing. While actual fires continue to decrease across the country, fire and EMS services are mandated to respond to more automatic alarm system activations, vehicle accidents, weather related emergencies, hazardous materials events, problems people do not know how to deal with, and now even terrorism-related events.

These events have occurred in both small towns and big cities throughout the Commonwealth, requiring this very diverse state to establish "regions" for the response and delivery of significant event resources. Unfortunately, every incident begins locally, and every local fire and EMS agency must be prepared to know what they are dealing with and when to call for help.

The text *Fire Protection in the 21<sup>st</sup> Century* may state the situation most succinctly: "Powerful trends will shape the fire service over the next ten years, changing department structures and roles in the community, and altering the demands placed on fire service personnel." These changes continue to this day.

The text went on to detail these "trends" to involve science, technology, risk management, finances, expanded services, recruitment, retention, lifestyles, urbanization, environmentalism, legal and regulatory changes, and organizational structure - every component of emergency services operations will change, forcing emergency service organizations, themselves, to change.

In addition, the International Association of Fire Chiefs, Volunteer Combination Officers Section, released the report "*A Call for Action, The Blue-Ribbon Report, Preserving and Improving the Future of the Volunteer Fire Service.*"<sup>6</sup> The IAFC report specifically outlined suggestions at three levels which parallel the issues facing Pennsylvania, including:

*At the LOCAL level, we must..*

- 1. Emphasize the importance of local support for this basic community service*
- 2. Provide appropriate levels of funding for necessary safety gear and training*
- 3. Engage in strategic planning that emphasizes volunteer (recruitment and retention)*
- 4. Use mutual aid to offset service and technical deficiencies*
- 5. Use uniform incident management systems*
- 6. Use performance measurements to measure and analyze response times, firefighting effectiveness, training, and retention rates of volunteer fire companies*

*At the STATE level, we must..*

- 1. Emphasize the importance of the state government in developing and promoting disaster planning*
- 2. Certify fire and emergency medical services (EMS) to comply with basic training standards*
- 3. Promote regional service delivery where local capabilities and technical expertise are weak*
- 4. Provide statewide volunteer benefit programs to protect both the firefighter and employer from the risks associated with volunteer service*

*At the FEDERAL level, we must..*

- 1. Work to produce a national climate encouraging individuals to volunteer within their local communities*

While this refers to volunteer fire companies, the same is true for emergency medical services. See Appendix 1 for the statutory responsibilities for emergency services by form of local government.

Recognizing this situation, members of the Pennsylvania General Assembly directed a group known as the "Senate Resolution 6 (SR 6) Commission" to "develop legislation to provide direct and indirect assistance for improving the delivery of emergency services in this Commonwealth." For purposes of this report, the term "first responders" will be used to refer to firefighter and EMS providers.

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<sup>6</sup> A Call for Action, The Blue-Ribbon Report, Preserving and Improving the Future of the Volunteer Fire Service", International Association of Fire Chiefs Volunteer Combination Officer Section, 2004.

Over the last thirty years, several reports and assessments have been completed within the Commonwealth, these reports served as primer reading for the Commission as they began their duties. The most recent legislative report was the SR 60 Commission report from 2004. The recommendations from these reports, identified in the Reports and References section of this report, were analyzed and served as the basis from which recommendations of this report are made. The Senate Resolution 6 Commission findings and recommendations focused on six areas:

- Emergency Medical Services
- Government Support
- Innovation
- Recruiting and Retention
- Regulations and Codes
- Training and Operations

The recommendations focus on the provision of service, not the maintenance of private clubs or groups, or agencies. The decision may, indeed, be unpopular in many instances.

Pennsylvania government currently provides more than \$100 million to local emergency services. This is accomplished through many programs such as the:

- Volunteer Loan Assistance Program (VLAP)
- Fire and EMS Company Grants
- Volunteer Firefighter Relief Funding
- Department of Community and Economic Development Grants
- Emergency Medical Services Operating Fund (EMSOF)
- Emergency Responders Resources and Training Program
- DCNR Volunteer Fire Assistance Grants

In addition, any number of Department of Community and Economic Development Grants find their way to local volunteer agencies. Even with this contribution to local services, many fire and EMS agencies of all types and sizes find themselves seeking more funding. This is due to both a basic need, as well as a lack of definition and agreement on services to be rendered and subsequent purchase of equipment, staffing, etc.

The concerns identified include the fact that Volunteer Fire Relief monies do not assure all responders receive protection as intended by the statute, the EMSOF funds are largely used by the regional councils (management/oversight) versus providing direct delivery of services, and the VLAP program (which functions very well) can be further enhanced via incentive-related increases in funds permitted coupled with lower interest rates on that money. There are also changes in customer expectations, technology, and demands that may require changes in the use of Fire Relief monies to return to the original intent of the law.

Most importantly, these services, particularly in small communities, provide a social and community value that are incalculable. The members who make up the fire and EMS companies are the leaders of the community. They are the local businesspersons, the local political leaders, the individuals who sponsor parades, community days, and similar special events. The facilities housing the fire and EMS agencies are the same facilities where birthday parties, weddings, christenings, bah-mitzvahs, and funeral wakes are held. The people involved and the facilities and equipment they maintain *are* the community and make both Pennsylvania and the services strong. But we must find a way to balance true need for services, equipment, and funding, with maintenance of the social fabric, which is so important to keeping our public safe and strong.

The most critical component of the system is the use of volunteers to provide the services. While the state has taken an active role through the Volunteer Loan Assistance Program and the \$30 million annual grant program in assisting volunteer emergency service organizations with the purchase of necessary equipment and facilities, much more remains to be done to assist in the recruitment and retention of volunteers. It is the consensus of the Commission that a public safety crisis is unfolding due to the continuing decline in the ranks of our emergency service volunteers.

According to the Pennsylvania Fire and Emergency Services Institute, the number of volunteer firefighters has shrunk from 300,000 in the 1970's to about 60,000 in the early 2000's and to 38,000 in 2018. (See graph below as identified by the SR6 Government Support Subcommittee using statistics from the Office of the State Fire Commissioner.) And yet, Pennsylvania and its communities continue to rely in large measure on volunteers to perform this critical emergency response and public safety service. Of Pennsylvania's 2,462 fire companies, more than 90 percent are volunteer companies.<sup>7</sup>

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<sup>7</sup> See Appendix 2 for the results of a survey for fire departments (and companies) in June 2018.

The case for Pennsylvania playing a larger role in helping to maintain the viability of our volunteer emergency service organizations can easily be made in terms of public safety and funding needs. According to a 2001 Pennsylvania Fire and Emergency Services Institute Study, the value of the service that our volunteers provide was estimated at \$6 billion. That figure may be as high as \$10 billion in today's dollars.

**If we lose our volunteer fire and EMS companies and volunteers the taxpayers will face a very steep price tag.**

The significant drop in the number of volunteer emergency services ranks can be directly attributed to the fact that (in addition to fighting fires and responding to every other imaginable emergency around the clock), our volunteer emergency service responders are often the same individuals who must raise the funds to pay for their own training, in many cases provide for their own equipment, conduct administrative services and support, and maintain equipment and facilities. Taken together, the many tasks performed by a decreasing number of volunteers only exacerbates the problem and overwhelms those who remain active.

The Commission recommends that the General Assembly act as expeditiously as possible to enact a series of incentives to stem the decline in emergency service volunteerism, to help retain the dedicated volunteers we still have, and to attract the next generation of recruits in the proud neighbor-helping-neighbor tradition of our volunteer emergency service organizations. These actions include implementing the recommendations presented in this report as well as the recommendations in the Senate Resolution 6 Commission report that have yet to be enacted.<sup>8</sup>

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<sup>8</sup> See Appendix 3 for Legislative Accomplishments Related to the Emergency Responders, Appendix 4 for the Status of Senate Resolution 60 Recommendations, Appendix 5 for Recent Legislative Action Related to Fire/EMS, and Appendix 6 for the votes taken on the recommendations included in the report.



## **RECOMMENDATION 1. EXPAND, MODERNIZE, AND INCENTIVIZE RECRUITMENT AND RETENTION EFFORTS**

**Issue** - There have been numerous media reports on the lack of and reduction of volunteer fire service personnel in Pennsylvania. All such reports suggest a significant exodus of members and the inability to effectively recruit. Despite efforts by multiple groups, the trend continues. This is exacerbated by the fact that EMS personnel are experiencing burnout, and paid staff of both fire and EMS are “jumping” organizations for improved salary, benefits, or working conditions, creating turnover, training, and performance problems. The reality is fewer trained personnel are responding to requests for emergency service, thus challenging overall system performance.

**Problem Statement** - This is not a new problem or phenomenon. It was recognized as far back as 2004 in the “Pennsylvania Senate Resolution 60 Report,” again in 2007 in the USFA document “Retention and Recruitment for the Volunteer Emergency Services,” and as recently as the 2012 “Firemen’s Association of the State of Pennsylvania Recruitment and Retention Strategic Plan.” The documents made the following critical observations:

1. Recruitment and Retention is a local issue; the needs, leadership and challenges are all local.
2. Recruitment is marketing, and you must market all of the time; and a needs assessment is critical to making sure you invest your time appropriately.
3. You need to know what your members want as benefits (incentives) before you choose and implement them.
4. Leadership is key to success in recruiting and retaining personnel. If there is no champion to conduct and manage the recruitment and retention processes locally, the efforts will fail.

These observations hold true today.

**Resolution** - The following items are identified to address this issue:

- Word of mouth is still the most effective way to recruit individuals.
- Legislation already in place needs to be “tweaked:”
  - Tax credit expansion to 100 percent option.
  - Include school district and county taxes, etc.
  - PSATS recommends considerations on tax deductions, workers compensation, volunteer relief association programs, taxation and fee assessment restrictions.
- Career and technical education training should be implemented in each county to have Public Safety programs as “trade/career” preparatory program, placed in educational system.
- Alternative Funding for organizations that provide state approved first responder training in order to reduce the burden on volunteer systems and rural communities.
- All departments with colleges in their communities should explore live-in programs.
- All departments should explore junior/explorer programs.
- Training requirements are chasing candidates away, particularly in rural areas implement risk based training requirements versus minimum of Firefighter I Certification.

- Implement blended training for first responders.
- Call members who have left to determine why they have left the organization and “re-recruit” them and correct failure.
- A cafeteria plan should be established in each organization to meet the incentive expectations of all members of an organization. Promote the idea of cafeteria plans as recruitment and retention tools. See Exhibit 1.
- A recruitment and retention plan should be implemented to cross calendar/fiscal periods to assure member needs and expectations are being met.
- Length of Service Award Programs (LOSAP) need approval under relief association payment (legislation required) and short term service award programs need to be funded for “non-life” members.
- An elected official training program should be developed and implemented to enable improved understanding and relationships of first responders as public safety community infrastructure and responsibility of local government.
- Training on leadership and recruiting is needed. Can include best practices from throughout the state.
- Review NY State Recruiting Program with Convenience Stores and develop a mirror program.
- Develop a single state wide recruiting tool, video/PSA, ad, and website.
- High School Training – gain consensus that training high school personnel to be first responders is a life skill as well as a potential community service, as well as a potential job. Work with Department of Education and Department of Labor & Industry to engrain and maintain this into all high schools (Co-op program).
- College level program – credit bearing where students volunteer and receive credit for research or activity performed as community service.
- Meet with Universities (Pitt, Penn State, and Temple) to have a competitive program to develop marketing tools and program to recruit first responder personnel for use in Pennsylvania, with top programs receiving recognition of some form.
- Address negative impacts of:
  - Required time involvement
  - Extensive minimum training requirements
  - Government/FC/EMS conflicts remain challenging (joint municipal/VFC leadership training)
  - Leadership/cliques
- Offer a college loan forgiveness program, details to be defined.

## Exhibit 1

### Example of Cafeteria Plan Concept

<p><b>Age Range 15-21</b></p> <ul style="list-style-type: none"><li>• Logo wear (attire), FD License plate, decal, etc.</li><li>• Fellowship</li><li>• Cash items (gas card, gift card) – Maximum \$500</li><li>• Learn a skill or knowledge</li><li>• Live in program</li><li>• Others as deemed appropriate locally</li></ul>
<p><b>Age Range 22-35</b></p> <ul style="list-style-type: none"><li>• Logo wear (attire) T-shirt, FD license plate, decal, etc.</li><li>• Fellowship</li><li>• FD License plate, decal, etc.</li><li>• Cash items (gas card, gift card, stipend) – Maximum \$500</li><li>• Accident and Sickness Insurance</li><li>• Investment Program or LOSAP Program</li><li>• Scholarship/Tuition</li><li>• Live in program</li><li>• Others as deemed appropriate locally (e.g. gear, equipment, etc. as earned awards)</li></ul>
<p><b>Age Range 36-50</b></p> <ul style="list-style-type: none"><li>• Logo wear (attire)</li><li>• FD License plate, decal, etc.</li><li>• Cash items (gas card, gift card, stipend) – Maximum \$500</li><li>• Accident and Sickness Insurance</li><li>• Investment Program or LOSAP Program</li><li>• Tax Rebates</li><li>• Others as deemed appropriate locally (e.g. gear, equipment, etc. as earned awards)</li></ul>
<p><b>Age Range 51-21</b></p> <ul style="list-style-type: none"><li>• Logo wear (attire)</li><li>• FD License plate, decal, etc.</li><li>• Cash items (gas card, gift card, stipend) – Maximum \$500</li><li>• Accident and Sickness Insurance</li><li>• Investment Program or LOSAP Program</li><li>• Recognition</li><li>• Tax Rebates</li><li>• Others as deemed appropriate locally (e.g. gear, equipment, etc. as earned awards)</li></ul>
<p><b>Age Range 66+</b></p> <ul style="list-style-type: none"><li>• Logo wear (attire)</li><li>• FD License plate, decal, etc.</li><li>• Cash items (gas card, gift card, stipend) – Maximum \$500</li><li>• Accident and Sickness Insurance</li><li>• Investment Program or LOSAP Program</li><li>• Recognition</li><li>• Tax Rebates</li><li>• Others as deemed appropriate locally (e.g. gear, equipment, etc. as earned awards)</li></ul>

Sample Recruitment and Retention Cafeteria Plan – courtesy VFIS

## **RECOMMENDATION 2.**

### **USE FINANCIAL AND NON-FINANCIAL INCENTIVES TO RECRUIT AND RETAIN FIRST RESPONDERS**

**Issue** – Fewer trained personnel are responding to requests for emergency service, thus challenging the overall performance of emergency services.

**Problem Statement** – The issue involves volunteer, combination, and career emergency response systems alike. Simply stated, fewer people are volunteering, and staffing performance is less than needed in many cases, straining the entire first responder system. This is a recruitment of personnel and retention of personnel problem. Failure to address the problem immediately will ultimately result in expansion of paid staffing and related tax increases to the population of the Commonwealth.

**Resolution/Action** – The solution for recruitment and retention comes in several approaches, requiring both financial and non-financial commitments to sustain and grow the current system, as follows:

- Allocate \$200,000 from the Grants program to fund a single local point in the OSFC for recruitment and retention in Pennsylvania.
- Develop and implement statewide recruitment and retention leadership training program.
- Work with Department of Education to develop a viable high school and college level credit awarding program to encourage volunteer first responder work.
- Amend the local tax credit from 20 percent to 100 percent and include school district and county taxes.
- Work with community college and the state university system on enabling free tuition for active first responders, and encourage live-in programs at local stations.
- An OSFC representatives should reach out to WAWA, Sheetz, and Rutter's etc. for possible joint first responder recruitment campaign in their stores.
- Redefine minimum age to complete firefighter training to 16, consistent with other Vo-Tech type training.
- Pass proposed legislation to permit payment of LOSAP and other benefit programs for members from relief association funds.

## **RECOMMENDATION 3.**

### **ENSURE MINIMUM FIRE & EMS COVERAGE THROUGH GOVERNMENT PARTNERSHIP**

**Issue** – The decline of volunteers in the fire and EMS services is having a significant impact on the ability of municipalities to be able to reliably and safely provide fire and emergency medical services.

**Problem Statement** – Despite worsening trends, the delivery of fire and EMS services continues to be a local responsibility. This has created a significant decline in service and citizen protection across the Commonwealth to the point where the most basic emergency assistance in some areas is no longer assured. Much like education, social welfare, and police protection, fire protection and EMS must, to some degree, become a Commonwealth responsibility.

**Resolution** – The following recommendations will address these concerns:

- Minimum requirements for local fire departments/companies should be adopted by the Commonwealth for all fire service agencies in the Commonwealth of Pennsylvania.
- Minimum “Standard(s) of Cover” should be adopted as appropriate for the specific service area. A Standard of Cover will provide the basis for state and local funding recommendations and will provide the means to measure the effectiveness of state and local actions.
- The definition of a firefighter used in Section Four, subsections A and G of the West Virginia Commission report (see Exhibit 2) should be adopted. Other definitions in section four should also be considered for adoption. Definitions are needed to correctly ascertain the numbers of personnel in the system capable of delivering the services needed by our citizens.
- Legislation enacted in 2008 (Act 7, 8, 9, and 31 of 2008) requiring municipalities to provide fire and EMS emergency services should be amended to require local municipalities to adopt one or more “Standard of Cover” (see Exhibit 3). This will strengthen the engagement of local governments in matters related to fire and EMS services. Municipalities should also enter into mutual aid agreements that will call the closest fire or EMS company/department regardless of Township, County, City, or in some cases State boundaries.
- Regionalization of services must be looked into further and programs made available to encourage and support the regionalization of services. Regionalization would benefit all levels of government.
- Background checks should be conducted on all first responders free of charge from the PA State Police and/or allow the local municipal police department to provide these background checks, free of charge. Background checks should extend beyond Pennsylvania state borders. Public faith and trust is paramount to the success of first responders. Regarding background checks:
  - Background investigations should be expanded to include all administrative officers/positions of fire companies. It is further recommended that those with fiduciary responsibilities attached to them should also be bonded.
  - Sex Offenders should not be able to serve in these roles.

- Anyone with a felony offense should not be able to serve in these roles unless time has been served, with no additional instance of bad behavior. In addition, those with a felony conviction who wish to serve as firefighters, after completing their sentence should have to submit an application for review to the proposed State Fire Commission for approval, prior to joining and being accepted by a fire company/department in the Commonwealth.

This item may require additional funding and legislative action.

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**Exhibit 2**

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**West Virginia State fire Commission:  
Requirements for West Virginia Fire Departments  
Effective Date: October 22, 2014**

*4.02. Classification of Fire Personnel*

For the purpose of administering this policy, personnel shall be classified according to the following:

A. “Active members” means an individual that performs the function of fire prevention and suppression, or vehicle and machinery extrications when responding to emergency situations. Depending on the level(s) of training the active member has completed, active members may also perform the tasks and duties of hazardous materials response and mitigation, technical rescue, emergency medical services and any other duties that a specialized support member may provide if so trained.

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G. “Firefighter” means any active member of a fire department.

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### Exhibit 3

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#### Standard of Cover

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#### SERVICE LEVEL\*

#### DESCRIPTION

##### Offensive Service Level 1

- a. Personnel required -15
- b. Equipment - 2 NFPA criteria engine (pumper), and one truck company (aerial or support truck)
- c. Interior and Exterior Firefighting capabilities of both residential and commercial buildings. Vehicle rescue capabilities with power or no power equipment and provide Operations level Hazardous Materials Response. NFPA PPE/SCBA for each person.
- d. Expectations - Ability to extinguish a fire and save life and property. The ability to perform and extricate a person from a motor vehicle efficiently. The ability to identify and provide operations level hazardous materials response. Arrive on scene within 9 minutes of dispatch, 90 percent of the time.

##### Offensive Service Level 2

- a. Personnel required - 10
- b. Equipment - 2 NFPA criteria engine (pumper)
- c. Interior Firefighting capabilities of room or contents and small buildings under 10,000 square feet. Vehicle rescue capabilities with power or no power equipment and provide Operations level Hazardous Materials Response. NFPA PPE/SCBA.
- d. Expectations - Ability to extinguish a fire and save life and property. The ability to perform and extricate a person from a motor vehicle efficiently. The ability to identify and provide operations level hazardous materials response. Arrive on scene within 10 minutes of dispatch, 80 percent of the time.

##### Offensive Service Level 3

- a. Personnel required – 6
- b. Equipment - 1 NFPA criteria engine (pumper) c. Interior Firefighting capabilities only of room or contents and small buildings under 5,000 square feet. Also, vehicle extrication capabilities with little or no power equipment. NFPA PPE/SCBA.
- c. Expectations - Ability to extinguish a fire and save life and property. The ability to extricate a person from a motor vehicle efficiently. Respond within 9 minutes, plus travel time.

##### Offensive Service Level 4

- a. Personnel required – 4
- b. Equipment - 1 NFPA criteria engine (pumper)
- c. Exterior Defensive Firefighting capabilities only
- d. Expectations – Protect surrounding exposures, loss of involved property – NO TIME LIMITS

## **RECOMMENDATION 4. CORRECT EMS REIMBURSEMENT RATES TO ALLOW FOR COMPETITIVE COMPENSATION**

**Issue** – The number of EMS personnel in the Commonwealth continues to decline.

**Problem Statement** – A recent analysis of the number of EMS personnel in the Commonwealth estimated 33,000 providers in all agencies including QRS agencies. This number does not account for the providers who are inactive in the system or appear on rosters for multiple agencies. Taking data from another source (excluding QRS agencies), however, showed slightly over 17,000 providers are active in the EMS system. Data does not exist to show how the active provider numbers are trending, the changes in numbers of volunteers vs. paid providers, etc. Currently over half of the providers are younger than 40 years old but, again, no trending data exists to tell whether these numbers are increasing or decreasing.

Pennsylvania is not alone in the decrease in the number of EMS providers; many states are experiencing a shortage of trained providers. Salaries and benefits for EMS (paid) providers in many areas are equal to or below those offered in the fast food and retail industries.

**Resolution** – Increasing reimbursement and payment models for services would allow agencies to pay higher wages and have more attractive benefits which, in turn, would help with recruitment and retention issues. Personnel would no longer need to leave the industry to make a living wage. Also, consider implementing the changes offered in Recommendation 2, and update the statewide EMS recruiting website ([www.pa-ems.org](http://www.pa-ems.org))

There will be a cost associated with updating the recruiting website. The need for legislation is discussed in Recommendation 14.

## **RECOMMENDATION 5.**

### **CREATE A STATE FIRE COMMISSION AND EXPAND THE OFFICE OF STATE FIRE COMMISSIONER**

**Issue** – Due to the governmental structure in the Commonwealth, the fire service in Pennsylvania is decentralized and primarily governed at the local municipal level. The Office of the State Fire Commissioner (OSFC) has limited authority over the fire service in Pennsylvania and therefore there is a lack of consistency with standards and training across the Commonwealth.

**Problem Statement** – Although the Office of the State Fire Commissioner (OSFC) has been helpful to the fire service, its impact and effectiveness remains limited at best. This is due to the limited authority of the State Fire Commissioner, as delineated by Act 118 of 2010, and the lack of staffing in the OSFC to perform the necessary functions to sustain a reliable fire service, with minimum standards that all must meet in the Commonwealth of Pennsylvania.

**Resolution** – It is strongly recommended that this Office be a stand-alone office that reports directly to the Governor rather than through the Lt. Governor as currently structured by Act 118, and should not fall under the Pennsylvania Emergency Management Agency (PEMA). This would be a cabinet level position and would include the following:

- The OSFC would be clearly designated as the “lead agency” for fire services in the Commonwealth.
- A new State Fire Commission should be created with the State Fire Commissioner serving as its chair.
- The State Fire Commission would set minimum standards to be followed by all fire companies/departments in the Commonwealth.
- The OSFC would be responsible for grant administration.
- The OSFC would be responsible for the State Fire Academy.
- Data collection and analysis of the statewide fire experience and system conditions must be collected on an ongoing basis to assist in making decisions going forward. A staff member should be dedicated to this function.
- The OSFC should be advocating for fire prevention measures and improvements in fire service quality and delivery.
- The OSFC should be responsible for administering Fireman’s Relief funds. (Excluding the audit, which would remain a function of the Auditor General.) This would include:
  - Providing binding pre-audit advice.
  - Determining allowable uses of relief funds.
- Provide technical assistance directly, and through agents and affiliates, to fire departments on technical and managerial matters.
- Be authorized to take actions to correct deficiencies related to a statewide minimum standard of cover.

- Conduct inspections of Fire Departments/Companies to be sure they are in compliance with the new Pennsylvania Fire Commission's standards.

A personnel assessment should be conducted of the Office to assure proper staffing levels for the duties assigned to the office. Once this assessment is completed, it is imperative that the staffing levels of the Office be brought up to an efficient and effective level, in order to accomplish the recommendations of this Commission.

This item requires additional staffing, funding and legislative action.

## **RECOMMENDATION 6.**

### **SIMPLIFY PROCESS TO REGIONALIZE FIRE & EMS SERVICES**

**Issue** – Communities/regions/counties may wish to organize their delivery of fire and EMS services in a regional/county fashion which is not traditionally supported by Pennsylvania statutes and regulations. Municipalities/counties should be empowered to form emergency services districts to allow service regionally or county-wide.

**Problem Statement** – Fire and EMS service agencies are failing or are going to fail. While it is important to do what is possible to shore up the existing system, we must also look to the future of potential regional or county wide emergency services. Now is the time to ensure that legislation, regulations and policies are in place to allow for counties and other regional organizations to easily form fire and emergency medical services. The Virginia Department of Fire Programs may be a starting point to gain assistance with models for this <https://www.vafire.com>. It is unclear what is needed from a regulatory perspective to enable this, although Act 130 of 1955 may just need to be updated to authorize regionalization. Having the framework in place now will provide governments options for moving forward with their emergency services into the future.

**Resolution** – Develop legislation to facilitate/enable regional/county fire services that will set the stage for further development of combined services. Much of this has been or is under development in the Commonwealth of Virginia. The concept would be to provide a core of career personnel to handle the “routine” responses supported by volunteers to handle more involved responses.

Statutes/regulations/policies necessary to enable counties or other regional organizations to form countywide or region wide fire and EMS through regional boards/fire-EMS authorities or districts. This would include enabling legislation to permit counties to organize and tax to provide these services.

## **RECOMMENDATION 7. DESIGNATE REGIONAL TECHNICAL ADVISERS TO SUPPORT COMMUNITY RISK REDUCTION EFFORTS**

**Issue** – Local fire/EMS organizations require assistance with a variety of technical issues that are best provided by subject matter experts that work regionally and can provide a high level of assistance and share best practices across regions/the state.

**Problem Statement** –Community Risk Reduction (CRR) is a very relevant topic that is being discussed at a national level to help shape the future of fire/EMS. It works by taking a holistic view of the risks present at the local level and helping communities identify and prioritize these risks to reduce their occurrence and impact on the community. The United States Fire Administration, especially through the National Fire Academy, has made a significant investment into CRR and these types of programs should be available at both the state and local level in Pennsylvania. Through the intervention strategies of education, engineering, enforcement, emergency response, and economic incentives, CRR uses all available tools to help mitigate and prevent risks which can be a significant benefit to the Commonwealth in addressing the issues related to Fire/EMS. A focus on CRR and technical assistance to local emergency services organizations from the state level will act as a clearinghouse for this statewide, focusing on driving call volumes down by reducing fire-related incidents, as well as EMS call volume for frequent users of the system. The EMS piece may be particularly applicable to the smaller services that may not have the resources or expertise to implement such a program and are hindered by frequent requests for service from citizens who do not require emergency medical help. Additionally, “Certificates of Need” for specialized/high-cost emergency apparatus and similar equipment, similar to what is done with healthcare, etc., should be considered. “Certificates of Need” would be used to assist local government with purchases that are tax-funded, or also funded by state grant/loan programs. This would assist governments and fire departments on the way to best allocate existing resources to not only equipment, but best practices for staffing. These advisors could also help. The technical advisors can also develop models for and assist local governments with “Standards of Cover” for their communities.

**Resolution** – Use the PennFIRS system to identify CRR trends, fire causes, near misses and have a system to allow fire departments to report the same that may not go into PennFIRS. Use data to create one page “Coffee Break” trainings on topics that can be used for CRR training. Use the EMS incident tracking system to identify frequent users of the system and provide resources to focus on the needs of those frequent users to reduce their reliance on the EMS system. Foster further efforts in fire prevention and EMS Community Paramedicine. This may tie in with the following recommendation related to technical advisers as this is a function that these individuals may be able to provide.

A statute/regulation/policy is necessary to fund positions for CRR resources, that may be technical advisers listed below, as well as for the Department of Health, Bureau of EMS for EMS-related functions.

Use the NJ DFRS model (Virginia, Massachusetts, New Mexico and many other states) to establish regional technical advisers working for the Commonwealth to assist with determining “Standards of Cover,” CRR issues, “certificates of need” and overall technical help. They could be assigned to DCED or the State Fire Academy/Fire Administrator’s office.



See the following materials for additional information:

<https://www.nj.gov/dca/divisions/dfs/offices/>  
<https://www.vafire.com/state-fire-marshals-office/>  
<https://www.mass.gov/orgs/department-of-fire-services>  
<http://nmprc.state.nm.us/state-firemarshal/fire-service-support/index.html>  
<http://www.ehso.com/firemasrshalresp.php>

Adopt a statute/regulation/policy necessary to fund positions for technical advisers assigned to the State Fire Academy/Fire Commissioner or DCED.

## **RECOMMENDATION 8.**

### **REVIEW AND REVISE EMS ACT AND REGULATIONS**

**Issue** - A review of PA's EMS Act (Act 37-2009) should be conducted to determine what is not clear, not enforceable, not standardized/consistent, outdated, or too expensive to the system to continue when doing a cost/benefit analysis. The EMS regulations are also in need of review for whether they are current in practice and financially appropriate.

**Problem Statement** - Due to heightened concerns in these areas, regulatory remedies to address the following concerns must be expedited:

- The regulations related to statewide and regional response plans need clarification to assist with planning for out of service units.
- The expectation of mutual aid responses that expand beyond the reasonable and established service area lines need to be defined.
- Review the outdated Public Utility Commission medical exemption language that currently conflicts with the Act 37 regulations.

**Resolution** - A comparison to the statute/regulations/structure and function of other states should be performed. The following concepts should be considered when conducting the review: flexibility when factoring in economic conditions; delivery models; geography, etc.; alternative methods to prepare regulatory language for enforcement, i.e., guidelines; areas that are the responsibility of local government; and innovative models to replace any costly legacy processes currently used in enforcement.

## **RECOMMENDATION 9.**

### **STREAMLINE AUDITS OF AND AWARDS TO VOLUNTEER FIREFIGHTER RELIEF ASSOCIATIONS**

**Issue** – A complete review of the laws and regulations related to Volunteer Firefighter Relief Associations (VFRA) should be undertaken by a committee appointed by the General Assembly or, for example, by the Legislative Budget and Finance Committee (LBFC).

**Problem Statement** - Volunteer Firefighter Relief Associations (VFRA) are separate entities from volunteer fire companies and ambulance services. The statutory authority over VFRA's can be found in Act 118 of 2010 which provided omnibus amendments to Title 35, the Health and Safety Act.

The Auditor General's Office distributes the 2 percent foreign fire insurance tax to VFRA's and Municipal Pension Systems through the local governments. The local government then has 90 days to distribute the funds to the VFRA. The Auditor General's Office also provides audits for these accounts.

Pre-Audit advice related to expenses or purchases is available to organizations through the Center for Local Government Services within the Department of Community and Economic Development (DCED). This appears to be an agreement that was reached years ago when DCED was known as the Department of Community Affairs (DCA), and apparently took place before the Office of State Fire Commissioner (OSFC) was created in 1976. Over the years there have been issues with the pre-audit decisions that have been made by a single person within DCED which have created issues during the audits for VFRA's. In fact there have been issues between the Auditor General's Office and DCED over the advice provided.

Additionally, the VFRA funds are provided to the local government to distribute to the VFRA which in itself has been problematic at times. For example when the local governments don't distribute the funds in a timely manner, the VFRA receives an audit finding during the Auditor General audits. There are also incidences wherein the local governments will act as though the "relief funding" is money they provide to the fire companies, when in fact the local government is nothing more than a pass through for the funds. Often times when fire companies are negotiating budgets with local governments, the local government will attempt to claim the relief funding as funds they provided to the fire company. This creates animosity that further complicates the relationship between the fire company and local government.

**Resolution** - The responsibility for pre-audit advice should be shifted from DCED to the OSFC and the Application Review Committee (ARC) should be charged with providing the pre-audit advice. This would reduce the potential for conflicts and lift the responsibility from the shoulders of one person within DCED.

This is the definition in Title 35 for the ARC:

The application review committee will meet once a month as scheduled by the OSFC and will consist of at least ten members. The committee will be composed of representatives from the OSFC; other State agencies or departments with fire, ambulance or rescue service-related interests; the volunteer fire, ambulance and emergency service community; and other appropriate parties as selected by the OSFC. Members will serve without compensation but will be reimbursed for travel expenses incurred in connection

with attendance at committee meetings. Six members shall constitute a quorum. The State Fire Commissioner will coordinate and chair the committee meeting. If the State Fire Commissioner is unable to attend the meeting, the Administrator of the Volunteer Loan Assistance Program will coordinate and chair the meeting. Neither the State Fire Commissioner nor the Loan Administrator will have a vote unless the vote is needed to break a tie vote between the committee members present at the meeting.

It is believed using the ARC to provide the pre-audit advice will provide greater input to the decisions made related to pre-audit advice. It does not appear as though any amendments would be needed to current law in order for this change to take place. It could occur through administrative action between DCED, the Auditor General, and OSFC.

Relief funding should be distributed directly to the VFRA and not the local government. This would eliminate the confusion and reduce the animosity between the fire companies and the local government. The VFRA accounts would continue to be audited as they are now.

## **RECOMMENDATION 10. PROTECT FUNDING AND OPEN ELIGIBILITY FOR VLAP TO ALL FIRE SERVICE PROVIDERS**

**Issue** - There have been numerous discussions over the years regarding the inability of career fire departments to be able to apply for 2 percent loans through the Volunteer Loan Assistance Program (VLAP). The primary reason often cited for not being able to provide career fire departments with these loans has been the language contained in the original and subsequent referendums placed before the voters of the Commonwealth. In essence the referendums asked if the voters would approve the indebtedness for **volunteer** fire companies, **volunteer** ambulance services and **volunteer** rescue squads. Due to this language, many loans cannot be made to career organizations.

**Problem Statement** – In 2014, \$30 million in excess funds were taken from the VLAP and an additional \$9 million was taken in 2016. The referendum did not include language to allow any branch of the government to take the excess funds to help balance the budget. None-the-less, \$39 million has been taken from the VLAP and there appear to be no plans to repay those funds.

The loan fund had those excesses for several reasons, including the interest paid on loans over the years since the program's inception in 1975, and the fact that there have been very few defaults on the loans when one considers the total number of loans provided over the years. It should also be noted that in 2008 when our nation's economy suffered, those who built fire trucks and ambulances also saw a dramatic drop in orders for new apparatus and ambulances. This led to a dramatic drop in the number of organizations applying for loans, with very few organizations buying new equipment. The fire apparatus market did not fully recover until late 2013 early 2014 when sales started to increase again, which led to more organizations applying for loans.

The issues related to the economy and drastic drop in apparatus sales and request for new loans painted a picture that the loan fund was flush with cash, when in fact the excess existed because of the low number of organizations applying for the loans. As the request for new loans increases it's anticipated that the loan fund balance will not be sufficient to meet demand and organizations will wait a year or more to be approved for loans.

Our career fire departments are serving cities that are experiencing greater budget deficits each year, yet the fire departments are paying the same price for apparatus as are our volunteers. Inclusion of the career departments in VLAP would greatly assist the municipalities with their finances and ensure the fire department has up-to-date, modern equipment to provide services to their citizens.

**Resolution** – Some, if not all, of the \$39 million taken from the VLAP should be returned to ensure the program remains viable. Remove restrictions that exclude career fire departments from participating in the VLAP and rename it FALAP (Fire Agency Loan Assistance Program).

This item enjoys broad support and does not require additional funding but does require legislative action.

## **RECOMMENDATION 11.**

### **CLARIFY DEFINITION OF EMS RELIEF ASSOCIATIONS**

**Issue** – The validity of several EMS agencies operating relief associations in the Commonwealth is being questioned by the Auditor General.

**Problem Statement** – There are currently several EMS agencies operating relief associations in the Commonwealth. All of these were initiated before the enactment of Act 118 of 2010 that restricted relief associations to those operating in affiliation with fire companies. A recent compliance audit of an EMS agency’s relief association conducted by the Auditor General asserts these relief associations may no longer be eligible to receive funding.

**Resolution** - The EMS community notes that the restrictive definition of a relief association may be related to the revision of Title 35, Chapter 74, Volunteer Firefighters, and any reference to independent relief associations for EMS agencies was inadvertently omitted. According to the 2010 Auditor General’s Management Guidelines for Volunteer Firefighters’ Relief Associations, a previous act (Act 205 of 1984) recognized the ability of separately incorporated ambulance and rescue squads to form their own relief associations, if other local relief associations decided against expanding their membership.

Any assistance that would provide the same benefits to EMS agencies, their personnel, and families as those afforded to fire companies would be well-utilized. Additional legislation could authorize relief associations for EMS agencies, or at the very least, “grandfather” existing EMS relief associations.

Legislation is necessary to change the definition of a relief association.

## **RECOMMENDATION 12.**

### **EASE ADMINISTRATIVE BURDEN ON RELIEF ASSOCIATIONS**

**Issue** - It is challenging for many volunteer organizations to adequately and properly staff all of the administrative requirements necessary to properly manage a fire/EMS organization plus an associated relief association.

**Problem Statement** - Allowing relief associations to be integrated into the existing fire companies could help the organizations to better streamline the process and administration, provided that necessary controls and procedures were in place.

**Resolution** – Use an appropriate, small group to review the current administrative requirements for relief associations to evaluate the potential to reduce administrative burdens on those that need to manage relief associations. Evaluate providing incentives to merge relief associations.

Adopt a statute/regulation/policy necessary to develop incentives to merge relief associations.

## **RECOMMENDATION 13.**

### **CLOSE LOOPHOLES IN FOREIGN FIRE INSURANCE TAX**

**Issue** – Despite continuing development of property throughout the Commonwealth, relief revenues continue to decline.

**Problem Statement** – This decline of relief revenue is creating significant financial hardship to both volunteer fire companies and career fire departments. As an example, despite robust growth of population and considerable new construction in the State College area, State College Fireman’s Relief revenues have declined 15.8 percent since 2013, with a decline of 8.7 percent between 2016 and 2017. Inquiries made by the OSFC to the insurance department revealed that between 6 million and 7 million fewer insurance policies were being subject to the tax in just the past two years.

**Resolution** – Insurers self-report their required participation in this tax creating a loophole. Any entity providing any type of property insurance covering losses from fire should be participating in this tax.

This item does not require additional funding. There are few political ramifications since the tax is already established (not a new tax) by Chapter 7 of the Act of December 18, 1984 (P.L. 1005, No. 205) known as the Municipal Pension Plan Funding Standards and Recovery Act, and surveys of citizens have generally supported expanding this tax provided the funds collected are forwarded to the relief associations.



## **RECOMMENDATION 14.**

### **ADJUST FUNDING STREAMS FOR EMERGENCY MEDICAL SERVICES OPERATING FUND**

**Issue** – There is inadequate Emergency Medical Services (EMS) system funding.

**Problem Statement** – At the system level, the Bureau of EMS is funded by a line item in the state budget. The original EMS Act, Act 45 of 1985, had a goal of providing direct support to and development of the EMS System. The portion of the EMS system originally intended to assist the Department of Health in carrying out those provisions locally, the 13 EMS Regional Councils, along with the state advisory council, are primarily funded through the Emergency Medical Services Operating Fund (EMSOF). EMSOF is funded by a fee applied to all moving violations and Accelerated Rehabilitative Disposition pleas, of which EMS receives 75 percent of the total fee.

Until recently, since 1985 the EMS Operating Fund balance remained relatively steady in absolute dollars. The \$10.00 EMSOF fine from January 1985, however, is equivalent to \$23.90 today (per Bureau of Labor Statistics CPI Inflation Calculator), but EMS has not received an increase. The fund has shown a steady decline over the last few years due to rising costs and declining revenue, and the fee has not been increased since its inception.

According to AOPC data, the number of citations and court cases subject to the EMSOF fee is decreasing and collection rates for the fees are as low as 50 percent. In FY 2011-12, 88,271 offenses seen in the Court of Common Pleas had a collection rate of 75 percent; in FY 2016-17, the Court listed 84,988 offenses with a collection rate of 50 percent. The Magisterial District Judge System, however, had a collection rate above 92 percent in FY 2016-17, down from a high of 99 percent 10 years ago.

The relative value of the fund has been severely diminished by inflation, as all costs continue to rise. The current situation is alarming; each year the entire anticipated fund balance is being allocated to provide for the on-going expenses of the EMS system.

Within the next several years the EMSOF fund will be inadequate to fund operations of regional councils and the advisory council. Shrinking revenue has exceeded rising costs; no growth in the funding will result in curtailment of clinical care improvements for the citizens of the Commonwealth.

**Resolution** – The following actions should be taken:

- Call on the General Assembly to restore the \$5 million that has been borrowed from the EMSOF.
- Identify and institute new sources for EMSOF funding. Consider a surcharge on health and/or vehicle insurance, fireworks tax revenue, etc.
- Audit court records to ensure EMSOF fees are being correctly collected and deposited into the fund.
- Review the structure of regional EMS councils to determine if contracted aspects (such as assisting the Bureau of EMS with investigations, inspections, etc.) of their responsibilities could be reassigned to the Bureau of EMS (with appropriate line-item budget support) at

a cost saving from EMSOF, allowing regional EMS councils to focus on system improvement. This would require additional General Government Operations support to the Bureau of EMS for the addition of at least one EMS program specialist.

There are costs associated with this recommendation if audits are instituted, and costs may shift if responsibilities are reassigned. Legislation is necessary to provide new funding sources.

## **RECOMMENDATION 15.**

### **UPDATE EMS PAYMENT POLICIES INCLUDING MEDICAL ASSISTANCE (MEDICAID) RATES**

**Issue** – There is inadequate payment for EMS services rendered, lack of funding for readiness, and lack of payment for non-transport outcomes.

**Problem Statement** – The cost of vehicles and equipment continues to increase. The evolving nature of EMS and the new technologies and treatment modalities have caused an increase in the amount and types of equipment carried by each agency. The diminishing number of volunteers in public safety both locally and nationally has led many EMS agencies to move to a combination paid/volunteer department or a wholly paid department to meet the regulatory requirements; excluding Quick Response Service (QRS) agencies, 26 percent of EMS agencies are staffed solely by volunteers. Wage and benefit costs comprise a large share of EMS agency budgets today.

Most EMS agencies bill patients and/or their insurance for their services, and most patient care contacts are third-party billable only if a patient is transported. A majority of patients (58 percent as cited in some sources) are covered by the Medicare and/or Medicaid programs. For the EMS agency to bill for the patient transport, the agency must enter into an agreement with each of these programs and accept whatever they pay. Both the Medicare and Medicaid programs pay fee-for-service below the cost of providing that service: a 2007 GAO study concluded Medicare reimbursement rates are an average of 6 percent below the cost per transport, while another study concluded in some states Medicaid only covers one-quarter of the cost.

A large percentage of patients are covered by third-party insurers. For the third-party insured patients, unless the agency enters into an in-network agreement with the insurance carrier, the carrier remits payment for service to the patient, and the EMS agency must obtain payment from the patient. The increasing number of large-deductible policies increases the financial hardship for both the patient and the agency that needs to collect payment.

In contrast to other medical providers, EMS is required to provide service regardless of the patient's ability to pay or the patient's healthcare network. These services must provide service when dispatched, where dispatched, and be ready 24/7/365. They cannot itemize charges per call and must bill according to a fee schedule. Every time they answer the call, they have no assurance the patient will have the ability, or willingness, to pay for the service rendered.

**Resolution** - Community leaders must engage and partner with agency leadership to determine what level of service is required, wanted or needed in each community, while understanding what the costs and requirements are for that level of service.

Most EMS agencies today would not need additional funds if they were to have an adequate call volume for the type of service wanted by their communities and be paid a minimal, reasonable amount for the service provided to each patient. This would allow these agencies to cover their direct costs, receive base funding for readiness, and initiate capital improvement plans.

Other approaches include:

- Efforts to require payment if treatment is provided without transport to an emergency

department should continue; this approach may save money in the long run by decreasing unnecessary ambulance transportation to the highest cost center for treatment (the ER.). Innovative approaches to healthcare (mobile integrated healthcare) by assessing potential savings versus the current pay-for-transport model should be funded. Also, EMS use of tele-medicine technology should be considered.

- Medicaid reimbursement rates should be reviewed and adjusted every two years for all types and levels of EMS providers, and indexing reimbursement to the Medicare adjustment should be considered.
- Change Medicaid policy and/or regulation for ambulance reimbursement to include the mileage rate for ground and air ambulance for all loaded mileage, not only mileage beyond the initial twenty miles, as currently provided.
- Change Medicaid policy and/or regulation to address payment policy and medical necessity consistent with Medicare policy guidelines.
- Prohibit the utilization of co-pays and deductibles by commercial insurers on the payment for emergency ambulance treatment and/or transportation.
- Review/revisit direct pay legislation:
  - Determine the reason services are not taking advantage of this legislation
  - Based on responses, adjust the legislation to make the direct pay procedure more attractive and of benefit to agencies
  - Require all insurance companies to remit payment directly to EMS providers.
- Impose significant penalties on insurers and patients when insurance payments for service are made to patients and those payments, including co-pays and deductibles, are not forwarded to the EMS agency that provided services and has already incurred the costs of providing those services.
- Strengthen the provisions and support of mobile integrated healthcare initiatives across the Commonwealth.
- Consider new models to fund the cost of readiness with funding provided directly to the local EMS agencies; EMSOF that previously directly funded local EMS agencies annually has essentially disappeared due to the decline in revenue and the increase in state-level expenses.

There will be costs associated with this recommendation in regard to Medicaid, and legislation is necessary to provide for many of the payment recommendations.

## **RECOMMENDATION 16.**

### **EDUCATE MUNICIPAL OFFICIALS ABOUT FIRE & EMS CRISIS AND NEEDS**

**Issue** – Many local governments are not well-versed in the needs of the fire/EMS providers, including critical support functions such as finance, administration, human resources, legal, information technology, or other related areas.

**Problem Statement** – There is a need to both encourage and educate local municipal governments on the support that they can provide to the local fire/EMS agencies. Fire/EMS agencies need additional support in a variety of areas and many municipal governments are not well versed in their needs or how to provide them. Fire and EMS personnel are generally good service providers but may or may not have the time/expertise to perform other critical support functions such as finance, administration, human resources, legal, information technology, or other related areas. While some emergency services organizations may be hesitant to either ask or accept support in these areas, there are many anecdotal situations across the Commonwealth that indicate assistance is needed in those areas. Additionally, assistance in implementing systems in these areas can allow responders to focus more on training and response which is their strength and where their time is truly needed in the community

**Resolution** – Widely disseminate the Senate Resolution 6 Commission report with associated recommendations and rationale so that emergency services organizations may utilize the Senate Resolution 6 Commission report as a starting point to communicate and educate their local governments on what support that they can provide to their fire/EMS organizations and promote further discussion in this area.

No statute/regulation/policy necessary other than adoption and dissemination of the Senate Resolution 6 Commission report.

**RECOMMENDATION 17.  
CREATE PERMANENT COMMUNICATION AND COOPERATION LINK  
AMONG FIRE & EMS PROVIDERS**

**Issue** - Improved lines of communication between all public safety entities is needed.

**Problem Statement** - The concerns of both EMS and the fire service are more similar than dissimilar; therefore, a coordinating agency/organization should be established to continue the Senate Resolution 6 Commission synergy into the future.

**Resolution** - In an effort to maintain cohesiveness of public safety and disaster preparedness, a statewide structure to link both fire and EMS entities more closely should be funded/established.

## **RECOMMENDATION 18. ESTABLISH DEFINITIONS, CLASSIFICATIONS, AND TRAINING LEVELS FOR FIRE SERVICE PROVIDERS**

**Issue** – There is no standard level of training for Commonwealth fire services.

**Problem Statement** - Not having the proper level of training will lead to more injuries and possible line-of-duty deaths. In addition, the public will see an increase in civilian injuries and deaths. Emergencies are not discriminatory, and they do not care if the first responder receives a paycheck or not; it will strike the rich as well as the poor and we have the responsibility to act.

Minimum training standards would achieve a common ground across the Commonwealth and those standards could be adjusted based on rural, suburban, and urban settings.

**Resolution** - Professional certification is the standard needed across the Commonwealth. This includes:

- National Fire Protection Association (NFPA) Firefighter I Certification (or equivalent national training)
- Federal Emergency Management Agency (FEMA) Incident Command System (ICS) 100, 700, 800
- National Professional Certification, either International Fire Service Accreditation Congress (IFSAC) or ProBoard Fire Service Professional Qualifications System

Once the introductory period is completed, the firefighter should have thorough knowledge of practices pertaining to fire suppression to include safety and infection control procedures pertaining to the use and operation of fire equipment, tools, and protective gear, and a thorough knowledge of incident command procedures, emergency vehicle operations, and basic maintenance needs including fire engine, aerial, and ancillary apparatus.

Desirable training and certification:

- Associate Degree in fire science or technology
- Driver Pump Operator (NFPA 1002) and satisfactory completion of DPO release process, as defined by the Department
- Driver Ladder Operator (NFPA 1002) and satisfactory completion of DLO release process, as defined by the Department
- Technical rescue (NFPA 1006)
- Vehicle rescue
- Safe boating practices/water rescue (determined by the municipality)
- Firefighter Survival & Rapid Intervention Team
- Water Supply Operations workshops
- Rescue Operations workshops
- NFPA Fire Instructor I

While the duties assigned to a fire officer might vary by individual fire departments and organizations, job qualifications are similar. A fire officer requires previous training, knowledge and years of experience. They must be familiar with the department's policies and procedures and have a background in fire prevention, emergency operations, administration and management. In the absence of the fire chief, the fire officer may assume the responsibilities of the fire chief.

Desirable training and certification:

- Associate Degree in fire science or technology
- NFPA Fire Officer I, II, III & IV
- NFPA Fire Department Safety Officer
- NFPA Fire Department Health & Safety Officer
- Emergency Management
- Department of Defense firefighter training



## **RECOMMENDATION 19.**

### **FUND BASIC FIRE & EMS TRAINING AT COMMONWEALTH LEVEL**

**Issue** – Paying for basic first responder training is a major obstacle to establishing a basic level of training for firefighters and EMTs statewide, and for volunteers to participate in this training. Additionally, having to travel to training sites is another obstacle for volunteers to be able to participate in basic first responder training.

**Problem Statement** – One of the fundamental ways that the Commonwealth can assist counties, municipalities, and individual companies/departments and help to establish a basic level of training for first responders statewide would be to provide state funding for all basic level first responder training across the Commonwealth. This could include initiatives to take as much of this training online as possible. The Commonwealth could offer funding for one standard program, and county or local training agencies could opt-in or opt-out of this training as they see fit.

**Resolution** – Fund basic fire (firefighter 1 or equivalent) and EMT training for all first responders statewide. This should include funding for the State Fire Academy and Department of Health to purchase/develop online training for as much of the basic training as is feasible

A statute/regulation/policy is needed to fund firefighter training including, online at the State Fire Academy, as well as for the Department of Health/EMS for EMT training.

## **RECOMMENDATION 20.**

### **INCENTIVIZE EMPLOYERS TO PERMIT TRAINEES TO ATTEND FIRE & EMS TRAINING**

**Issue** – Legislation is needed to provide incentives to foster the ability for new and current volunteers to complete basic first responder training.

**Problem Statement** – Employers throughout the state struggle with “right-sizing,” cuts to control budgets, and so forth. It is challenging for employers of almost any size to allow employees to leave work for emergency calls, especially if those calls are minor, and especially if the employee is in a job function that is critical to the business. The days of being able to “drop” things and leave quickly, unless it is a major emergency or community-wide disaster, are gone in many areas. If an employee, however, can schedule time off for first responder training, not unlike a National Guard two-week training session, and an employer received tax benefits for this, this situation is much more acceptable to many employers. Additionally, providing basic training in fire, safety, emergency medical, and emergency response makes those employees more valuable to many employers. They can be very useful participants in employee safety committees, and similar groups which can have a positive impact on employer’s workers’ compensation costs. Providing the time for volunteer personnel to complete their basic training during working hours may encourage additional volunteer participation, providing additional support to sustain our volunteer system of emergency response. Other benefits, etc. that are provided through the National Guard can also be beneficial to first responders to encourage their participation. Note that Bloomsburg University recently added volunteer fire/EMS service as a means to count towards their general education requirements and perhaps could be used as a model for other state universities <http://bloomsburgu.tumblr.com/post/174212646097/first-responder-service-to-now-count-for-general>

**Resolution** – State government should evaluate tax or other financial incentives for employers to encourage them to send employees to scheduled first responder training much like they would do for National Guard employees. Other benefits to employees, such as tuition assistance, should also be evaluated.

Statute/regulation/policy necessary to provide tax incentives for employers to permit employees time off to attend basic first responder training.

## **RECOMMENDATION 21. RESTORE FTE REIMBURSEMENT FOR PUBLIC SAFETY TRAINING COURSES AT COMMUNITY COLLEGES**

**Issue** – In 2005, the funding formula used to provide funding to community colleges was changed and full-time equivalency reimbursement (FTE) was removed from the equation.

**Problem Statement** -The FTE had provided the reimbursement to community colleges that provided public safety training for emergency services. This reimbursement kept the cost of training very low and in some cases there was no cost at all. When the FTE was removed from the funding formula, the cost for public safety training courses skyrocketed. In fact several community colleges completely withdrew from offering public safety training altogether.

**Resolution** - While balancing the budget each year becomes more and more difficult, and the competition for existing funds becomes greater each year, the need to find a method to fund public safety training for first responder services is paramount if we truly want to fix what's currently wrong with our system. Failure to act will only cause greater issues and could lead to people not training at all due to the cost.

One suggestion would be to review the current funding methods to our community colleges to see if the system introduced in 2005 is actually working as expected. It might be time to amend the current funding system and ensure that FTE reimbursement for public safety training is restored.

Another suggestion is to review how the 12 percent tax on fireworks is being distributed and leverage those funds to restore FTE's to the community colleges. Additionally, funds should be provided to the county operated emergency services training centers and organizations that provide state approved first responder training.

## **RECOMMENDATION 22.**

### **DEVELOP A MENTAL WELLNESS AND STRESS MANAGEMENT PROTOCOL FOR FIRST RESPONDERS**

**Issue** – The Commonwealth has no protocol to prevent, mitigate, or treat the mental and psychological wounds that may be inflicted on first responders in the course of their work.

**Problem Statement** – Pennsylvania’s first responders are often exposed to the horrific outcomes and tragedies of natural and man-made disasters and intentional and accidental harm to human lives. The federal and state government appropriately offer programs to veterans of the armed forces who suffer psychological trauma, such as post-traumatic stress, as a result of their service to their nation and Commonwealth, but Pennsylvania does not make a similar effort to protect the mental well-being of first responders.

**Resolution** – It is recommended that the Pennsylvania Department of Health (DOH) spearhead a cross-agency effort to develop a mental wellness and stress management protocol to assist first responders. The protocol should include strategies for dealing with post-traumatic stress, traumatic brain injuries, and the effects of involvement in critical incidents. Those strategies may include a peer-to-peer support program, a toll-free helpline, a critical incident stress management program, trauma awareness training, and/or any other initiative deemed suitable to prevent and treat psychological trauma associated with emergency response.

Legislative authorization may be required to authorize a source of funding for the implementation of the protocol.

## **RECOMMENDATION 23.**

### **ADOPT RESIDENTIAL SPRINKLER REQUIREMENTS IN ACCORDANCE WITH INTERNATIONAL CODES**

**Issue** – New construction and occupancy has been proven to reach dangerous flashover conditions much more quickly than older construction, more quickly than the time fully staffed fire stations can respond. Pennsylvanians have a higher risk of dying in a fire than average Americans. [https://www.usfa.fema.gov/data/statistics/fire\\_death\\_rates.html](https://www.usfa.fema.gov/data/statistics/fire_death_rates.html) Every new property built adds fire risk to a community, and becomes a burden on local governments to protect with diminishing resources, unless the structure has built-in protection. Even where municipalities/property owners desire to install sprinkler protection, obstacles presented by water purveyors make it unnecessarily difficult and expensive to install and maintain this protection.

**Problem Statement** – The number of volunteer firefighters in the Commonwealth continues to drop. Legislators realize that the reality of government funding is “We can’t provide a team of firefighters in every building/home.” We can, however, require those that are adding new risks to communities to provide that team of firefighters by simply requiring that new construction be sprinklered in accordance with the international codes. In fact, sprinklers are better than having to increase taxes to hire career firefighters everywhere, as their response time to the building that they protect is measured in seconds versus minutes. They are there on duty 24/7 providing a sustainable solution for fire protection in new risks added to communities. They are proven to work already in Pennsylvania, with over 7,000 homes sprinklered, losses reduced, and over 10 sprinkler saves to date in the 6 municipalities in Bucks County where sprinkler ordinances were adopted in the 1990’s and remain in place. <https://homefiresprinkler.org/product/bucks-county-pa-report/>

Since 2010, all new townhouses in Pennsylvania have been required to be equipped with residential sprinklers. At the same time this regulation was implemented, the Pennsylvania code required one-hour passive fire protection be put in place to protect floor trusses exposed to the basement below. In a number of cases, builders have asked local building officials if they can substitute the one hour protection on the floor trusses with the installation of sprinklers in the basement. We have developments with some houses with no sprinklers, and others with residential sprinklers in the basement only. This indicates that the cost argument for sprinklers is essentially a fallacy. They provide consistent fire protection for the life of the building, and their performance is not hampered by weather conditions that delay response, weekday vs. nighttime response, or simultaneous emergencies occurring in the community. It is indeed better than having a team of firefighters in every home/building - <https://homefiresprinkler.org/live-with-a-firefighter/> Additionally, some water purveyors in the state are requiring a water feed line, separate from the building feed line, with a separate meter and backflow preventer for residential sprinkler systems. This adds significant cost to installations without providing any significant benefit. Additionally, some water purveyors require a separate standby fee for both residential and commercial sprinkler systems when the water flow required by a sprinkler system to extinguish a fire would be significantly less than the flow required from the fire department to extinguish the same fire in an unsprinklered building. <https://www.nfpa.org/News-and-Research/Publications/NFPA-Journal/2016/Home-Fire-Sprinkler-Edition/Features/Sprinklers-and-Water-Purveyors>

**Resolution** - The following options should be considered:

- Pass legislation giving local municipal leaders the ability to adopt sprinkler ordinances with no challenges at the state level. In other words, give control back to the local governments, which is the level of government that has the state-mandated responsibility to provide community fire protections. The state should not mandate responsibility without providing the authority to local government to act.
- Call on the General Assembly to review the Review and Advisory Council (RAC) that was created by the Pennsylvania Construction Code Act in 2004. An example of its inefficiency can be found in the fact that RAC finally voted in December of 2017 to review the 2015 International Building Code. Their report wasn't due to the Labor and Industry Secretary until May of 2018, with Labor and Industry to promulgate regulations which will take effect by October of 2018. Therefore, Pennsylvania is well behind in the adoption of the International Codes.
- Adopt the 2015 International Building, Fire and Residential Codes with NO deletion of sprinkler requirements.
- Adopt the building/fire/residential codes as-is by statute.
- Adopt rules/regulations prohibiting water purveyors from requiring a separate water feed line for fire sprinklers in 1 and 2 family dwellings.
- Adopt rules/regulations prohibiting water purveyors from charging a standby fee for fire protection for any sprinklered building.

## **RECOMMENDATION 24.**

### **REASSESS FIREWORKS LAW ADOPTED IN 2017**

**Issue** - Act 43 of 2017 amended the Pennsylvania Fireworks law to allow Pennsylvania residents to purchase consumer grade fireworks. While a total repeal of those amendments would be the best solution to the issue, this may not happen because of the financial implications it would create related to the budget.

**Problem Statement** - It became obvious especially during the July 4th holiday in 2018 that many communities were turned into “war zones” and the complaints in many communities certainly outnumbered the resources available to handle the calls. The number of fires caused by fireworks also increased in many communities across the state. The fine for misusing fireworks is a summary offense punishable with only a \$100.00 fine. The bottom line is the fact that passage of these amendments created an additional strain on a system that is already in crisis.

**Resolution** - As stated earlier, a total repeal of the amendments that were passed earlier in the year would be the best resolution of the problem. The reality is the law was amended to generate additional revenue for the Commonwealth in order to help balance the budget. This alone would seem to make total repeal of the amendments unlikely.

In the absence of a total repeal, the following amendments should be considered:

- The fines in the current law should be raised to at least \$500.00 and the local governments should be permitted to retain the majority of those fines to assist with enforcement of the law.
- A portion of the revenue generated by the 12 percent tax paid by the fireworks industry should be directed to an organization such as the Lehigh Valley Burn Prevention Network to be used for safe firework advertising campaigns across the Commonwealth.
- The General assembly should enact legislation giving municipalities the ability to adopt fireworks ordinances with no challenge at the state level. This would give control back to the local governments which is the level of government that has the state-mandated responsibility to provide community fire protection.

Legislation is needed to implement this recommendation.

## **RECOMMENDATION 25. CERTIFY INDIVIDUALS WHO INSTALL AND SERVICE EQUIPMENT TO PREVENT, SUPPRESS, AND EXTINGUISH FIRES**

**Issue** - The Pennsylvania Association of Fire Equipment Distributors (PAFED) recommends some type of licensing or certification of individuals who service and install fire extinguishers and installed fire alarm/suppression systems.

**Problem Statement** - Currently there are no regulations or requirements within the Commonwealth for those individuals who install and service fire extinguishers and fire alarm/suppression systems. This has created a situation wherein an unsuspecting customer purchased services from an individual or company who were not qualified to service extinguishers or install systems, and those systems failed to operate when needed to extinguish a fire.

**Resolution** - PAFED has been working with the Senate Veterans Affairs and Emergency Preparedness Committee on legislation to correct this issue. This effort should continue and legislation adopted requiring licensing or certification of all individuals performing this kind of work in Pennsylvania.

Legislation is needed to implement this recommendation.



**RECOMMENDATION 26.**  
**CLARIFY APPLICABILITY OF RIGHT-TO-KNOW LAW TO NON-MUNICIPAL FIRE & EMS PROVIDERS**

**Issue** – Amend the Commonwealth’s Right-to-Know Law, Act 3 of 2008, to exempt volunteer fire and EMS non-government agencies from its requirements.

**Problem Statement** – The Right-to-Know Law requires state and local agencies, the legislature, and the courts to provide certain public records upon request. For small organizations, and in particular, for organizations without paid staff, it can be very difficult to comply with the requirements as requests can be for multiple documents covering multiple years.

**Resolution** – The Commonwealth’s Right-to-Know Law should be amended to exempt volunteer fire and EMS non-government agencies from its requirements. This will require legislative action.

## **RECOMMENDATION 27.**

### **INVOLVE FIRE & EMS STAKEHOLDERS IN VETTING LEGISLATION**

**Issue** - The legislature needs to be fully aware of how a simple word choice may affect the provision of emergency services in all delivery models. In an effort to avoid long-term struggles with legislative language, every attempt to vet proposed legislation with the emergency services community before introduction would be helpful. Additionally, legislation that has failed in an earlier session should be reviewed for language changes prior to re-introduction. The current practice to request annual legislative priorities from the EMS community should continue.

**Problem Statement** - Any new legislative efforts to support public safety should not limit itself to language that solely identifies volunteer services, and legislative initiatives that increase the roles and/or responsibilities of these services should include a funding provision.

**Resolution** - Legislative action involving the state budget and any line items funding for emergency services should be reviewed by leadership to ensure proper funding levels.

Legislation to support current emergency services issues should be a priority and include:

- Line of Duty Death (LODD) benefits for non-municipal EMS providers.
- Stress education to include Critical Incident Stress Management (CISM) resources and suicide prevention for providers.
- The misuse of the 911 system for routine transfers by licensed facilities.
- Identification of the role of EMS with Mobile Integrated Health Care.
- Appropriate and system wide funding to support both the state system (administration) and agencies (direct support/reimbursements) into the future.

## **Appendices**

## Appendix 1: Statutory Responsibilities by Form of Government

(As extracted from Pennsylvania Emergency Service Laws)

Third Class City	Borough	1 <sup>st</sup> Class Township	2 <sup>nd</sup> Class Township	Incorporated Towns
<p><b>Contracting:</b></p> <p>11 Pa. C.S. § 12402.1(e)(2):                      (e) Nonapplicability.--Any requirement for advertising for bids and sale to the highest bidder imposed by this part or by a city pursuant to this section shall not apply where real or personal property of the city is sold to the following, provided that, when any real property is no longer used for the purpose of the conveyance, the real property shall revert to the city:                      ***                      (2) A volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the city or providing emergency services in the city.</p> <p><b>Cooperation:</b></p> <p>11 Pa. C.S. § 11908.1:                      Council of each city shall have power to permit, subject to any terms and conditions as the city may impose, any fire company, rescue company and ambulance company in the city to participate in purchase contracts for petroleum products entered into by the city. Fire company, rescue company and ambulance</p>	<p><b>Contracting:</b></p> <p>8 Pa. C.S. §1201.3(a) &amp; (c):                      (a) Sale of property.--Nothing under this chapter requiring advertising for bids or sale at public auction and sale to the highest bidder shall apply if borough real or personal property is to be sold to any of the following:                      (1) A county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the borough.                      c) Reversion.--Real property sold under this section to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, nonprofit medical service corporation or nonprofit housing corporation shall be subject to the condition that, when the property is not used for the purposes of the company, service, squad or corporation, the property shall revert to the borough.</p> <p><b>Cooperation:</b></p> <p>8 Pa. C.S. §1202(24):                      (24) To enter into agreements with other political subdivisions, in</p>	<p>Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—                      . . . .                      II. . . . The provisions of this clause requiring advertising for bids or sale at public auction and sale to the highest bidder shall not apply where township real or personal property is to be sold to a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the township, or authority as defined in 53 Pa.C.S. § 5602 (relating to definitions), or to a nonprofit corporation engaged in community industrial, commercial or affordable housing development or reuse or where real property is to be sold to a person for his exclusive use in an industrial development program or where real property is to be sold to a nonprofit corporation organized as a public library, or where real property is to be sold to a nonprofit medical service or other consortium, cooperative or other similar entity created pursuant to LXXII of section 1502, or where real property is to be sold to a nonprofit housing corporation as authorized by clause LXXIII of</p>	<p><b>Contracting:</b></p> <p>Section 1503. Real Property--                      . . . .                      (c) The requirements of this section do not apply to conveyances or leases of real property by a township to any of the following:                      . . . .                      (9) A volunteer fire company.                      . . . .                      (11) A volunteer ambulance service or volunteer rescue squad located within the township.                      . . . .                      (13) A nonprofit medical service corporation.                      . . . .                      (d) When real property is sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation, nonprofit housing corporation, volunteer fire company, volunteer ambulance service, volunteer rescue squad or a council of government, consortium, cooperative or other similar entity created pursuant to 53 Pa.C.S. Ch. 23 Subch. A involving one or more of the entities listed in this subsection, the board of supervisors may</p>	<p>Section 1.1. Power to Convey--                      . . . .                      (d) The provisions of this section requiring advertising for bids and sale to the highest bidder shall not apply where town real or personal property is to be sold to a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the town,                      or an authority as defined in 53 Pa.C.S. § 5602 (relating to definitions), or is to be sold to a non-profit corporation engaged in community industrial development or where real property is to be sold to a person for his exclusive use in an industrial development program, or where real property is to be sold to a non-profit corporation organized as a public library for its exclusive use as a library, or where real property is to be sold to a non-profit medical service corporation or to a non-profit housing corporation. When real property is to be sold to a non-profit corporation organized as a public library for its exclusive use as a library or to a non-profit</p>

<p>company participation in purchase contracts for petroleum products shall be subject to the condition that all prices shall be FOB. If permitted by council, a fire company, rescue company or ambulance company may participate in designated petroleum product contracts entered into by the city, subject to the fire company, rescue company or ambulance company:</p> <p>(1) Having filed with the city clerk a request that it be authorized to participate in contracts for the purchase of petroleum products of the city.</p> <p>(2) Having agreed that it will be bound by any terms and conditions imposed by the city.</p> <p>(3) Having agreed that it will be responsible for payment directly to the vendor under each purchase contract.</p> <p>11 Pa. C.S. § 12434:</p> <p>(a) Municipal authorities.-- Council may, by ordinance, individually or in cooperation with other municipalities or school districts, form municipal authorities as authorized under 53 Pa.C.S. Ch. 56 (relating to municipal authorities).</p> <p>(b) Cooperative agreements.-- Council may, by ordinance, make cooperative agreements with regard to the performance of a city's powers, duties and functions in accordance with the provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).</p>	<p>accordance with existing laws, in making joint purchases of materials, supplies or equipment and in performing governmental powers, duties and functions and in carrying into effect provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation), and agreements with the proper authorities of municipal corporations, regional police or fire forces or other public safety or governmental entities created by two or more municipal corporations under 53 Pa.C.S. Ch. 23 Subch. A, either for mutual aid or assistance in police and fire protection or any other public safety services, or for the furnishing to or receiving from the municipal corporations or governmental entities police and fire protection or any other public safety services, and to make appropriations for public safety services. In connection with agreements for police or fire protection or any other public safety services, it shall not be necessary to advertise for bids or receive bonds as required for contracts under existing law. When an agreement has been entered into, the police, firefighters, fire police or any other public safety services of the employing municipal corporation or governmental entity shall have the powers and authority conferred by law on police, firefighters, fire police or any other public safety services in the territory of the municipal corporation which has contracted to secure the service.</p>	<p>section 1502. When real property is to be sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation or to a nonprofit housing corporation the board of township commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this clause to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, nonprofit medical service corporation or to a nonprofit housing corporation shall be subject to the condition that when the property is not used for the purposes of the company, service, squad or revert to the township.</p> <p>... XIV. Water Supplies. To enter into contracts with any person or corporation to supply water for fire protection and other purposes for a period not exceeding twenty years. No such contract shall be exclusive as against the right of any other water company, nor interfere with the right of such township to erect, maintain, and operate its own waterworks.</p> <p>... LIV. Joint Contracts for Police and Fire Protection. To enter into contracts with the proper authorities of near or adjacent cities, boroughs and townships either for mutual aid or assistance in police and fire protection, or for the furnishing to or receiving from such cities, boroughs or townships aid and assistance in police and fire protection, and to make appropriations therefor:</p>	<p>elect to accept any nominal consideration for the property as it believes appropriate. Real property sold under this subsection is subject to the condition that when the property is not used for the purposes of the corporation or volunteer fire company, the property reverts to the township.</p> <p>... Section 1504. Personal Property.--... (c) The bidding and advertising requirements of this section do not apply to the following transactions: ... (2) The sale or lease of personal property by the township to any of the following: ... (ix) A volunteer fire company. ... (xi) A volunteer ambulance service or volunteer rescue squad located within the township. ... (xiii) A nonprofit medical service corporation. ... Section 3106. Purchase Contracts for Supplies and Equipment; Fire Company, Et Cetera; Participation.--The board of supervisors may permit any paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township to participate in purchase contracts for supplies and equipment of the township and agreeing that it will be</p>	<p>medical service corporation or to a non-profit housing corporation, council may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this section to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, non-profit medical service corporation or to a non-profit housing corporation shall be subject to the condition that, when the property is not used for the purposes of the company, service, squad or the corporation, the property shall revert to the town.</p> <p>(1.1 amended June 28, 2011, P.L.69, No.13)</p>
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<p><b>Specific Powers and Duties:</b></p> <p>11 Pa. C.S. § 10918: A city may not consolidate, integrate or reorganize the paid members of the fire force and the paid members of the police force into one bureau or organization.</p> <p>11 Pa. C.S. § 12101: With regard to a city fire bureau, council shall have the authority to:</p> <ol style="list-style-type: none"> <li>(1) establish and organize a fire bureau by ordinance;</li> <li>(2) make appropriations for the maintenance of the fire bureau;</li> <li>(3) promulgate regulations for the governing of the officers and companies belonging to the fire bureau; and</li> <li>(4) purchase equipment and apparatus for the extinguishment, prevention and investigation of fires and for the public safety.</li> </ol> <p>11 Pa. C.S. § 12104: (a) General rule.--A city may, by ordinance, provide for the creation of the office of fire marshal who shall be appointed by the mayor, by and with the approval and consent of council, biennially.</p> <p>(b) Powers.--</p> <ol style="list-style-type: none"> <li>(1) The fire marshal and any authorized assistant shall inspect all construction or buildings within the city or upon property owned or controlled by the city or a municipal authority of the city within this Commonwealth</li> </ol>	<p>8 Pa. C. S. 1404.1: The council of each borough shall have power to permit, subject to terms and conditions as it may and, as specifically provided, shall prescribe, a paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the borough to participate in purchase contracts for petroleum products entered into by the borough. A company desiring to participate in purchase contracts shall file with the borough secretary a request to authorize it to participate in contracts for the purchase of petroleum products of the borough and agreeing that it will be bound by the terms and conditions as the borough may and, as specifically provided, shall prescribe and that it will be responsible for payment directly to the vendor under each purchase contract. Among the terms and conditions, the borough shall prescribe that the prices must be F. O. B. destination.</p> <p><b>Specific Powers and Duties:</b></p> <p>8 Pa. C.S. §1202(33): (33) To provide against all hazards of war, terrorism and other disasters and their consequences, and for those purposes to have the power of eminent domain, to cooperate with any other unit and agency of government, Federal, State or local in every lawful way for purposes of defense against the hazards of war and terrorism and to further provide against the hazards of manmade or natural disasters in conjunction with the powers</p>	<p>Provided, That in connection with such contracts it shall not be necessary to receive bids or require bonds as required for other contracts under existing law.</p> <p>Section 1804.1. Purchase Contracts for Petroleum Products; Fire Company, Etc., Participation.--The board of commissioners of each township shall have power to permit, subject to such terms and conditions as it may, and as hereinafter specifically provided, shall, prescribe any paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township to participate in purchase contracts for petroleum products entered into by the township. Any such company desiring to participate in such purchase contracts shall file with the township secretary a request that it be authorized to participate in contracts for the purchase of petroleum products of the township and agreeing that it will be bound by such terms and conditions as the township may, and as hereinafter specifically provided, shall, prescribe and that it will be responsible for payment directly to the vendor under each purchase contract. Among such terms and conditions, the township shall prescribe that all prices shall be F.O.B. destination.</p> <p><b>Specific Powers and Duties:</b></p> <p>Section 1502. . . . XV. Fire and Water Districts; Bond Issues and Taxes. To create, by</p>	<p>bound by any terms and conditions the township prescribes.</p> <p><b>Specific Powers and Duties:</b></p> <p>Section 1528. Ambulances and Rescue and Life Saving Services.--The board of supervisors may acquire, operate and maintain motor vehicles for the purposes of conveying persons to and from hospitals, and it may appropriate moneys toward ambulance and rescue and lifesaving services and make contracts relating thereto.</p> <p>Section 1553. Emergency Services.--(a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services.</p> <p>(b) The township shall consult with fire and emergency medical services providers to discuss the emergency services needs of the township.</p> <p>(c) The township shall require any emergency services organizations receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization.</p>	<p>ARTICLE XVIII</p>
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<p>and shall enforce all laws of this Commonwealth and ordinances of the city relating to the construction or buildings, for the investigation of fire and fire hazards, both as to the construction or buildings and as to their contents or occupancies.</p> <p>(2) The fire marshal or the fire marshal's assistants shall report to the director of public safety or to council or other designated official, as council shall by ordinance provide, any faulty or dangerous construction or building or like condition in any building that may constitute a fire hazard or any proposed use or occupation of any construction, building or premises which would create or increase a hazard of fire.</p> <p>(3) The fire marshal shall investigate and keep a permanent record of the cause, origin and circumstances of every fire and the damage resulting from the fire occurring within the fire marshal's jurisdiction immediately after the occurrence of the fire.</p> <p>(4) The records of the fire marshal shall be open to public inspection, except as exempted in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The fire marshal shall submit to council an annual report consolidating the records as directed by council.</p> <p>(5) If a fire is deemed suspicious, the fire marshal shall</p>	<p>applicable to boroughs in 35 Pa.C.S. Pt. V (relating to emergency management services).</p> <p>8 Pa. C.S. §1202(35):</p> <p>(35) To purchase or contribute to the purchase of fire engines and fire apparatus, boats, rescue and lifesaving equipment and supplies for the use of the borough for fire, rescue and lifesaving services, including community ambulance service, and to appropriate money for fire companies and rescue units located within the borough, including for the construction, repair and maintenance of buildings for fire companies and rescue units, and to acquire land for those purposes. Appropriations may include funds to establish, equip, maintain and operate lawfully organized or incorporated fire training schools within the county or regional firefighters' associations or an entity created pursuant to 53 Pa.C.S. Ch. 23 Subch. A for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of fire departments and volunteer fire companies in any municipal corporation within this Commonwealth. Annual appropriations may also be made to an ambulance service, or council may enter into contracts for use in providing community ambulance service.</p> <p>8 Pa. C.S. §1202(56):</p> <p>(56) To ensure that fire and emergency medical services are</p>	<p>ordinance, fire and water districts in any portion or portions of townships when, in their opinion, the same is necessary for the safety and convenience of the inhabitants of said township; to issue bonds restricted to the districts so created, for the purpose of procuring and maintaining the necessary supply of water to said district; and to levy such special tax restricted to said district as may be necessary to redeem any bonds so issued. To pay the cost or part of the cost of such water supply or water lines, the township commissioners may charge for any such water supply or water lines by an assessment of a special water or fire tax on all surface properties or real estate located in the water or fire district, which tax shall be based on the assessment for county purposes as established for general taxation. Such tax may be levied for a single year or for a term of years as the township commissioners may determine, but in the case of fire districts shall not exceed two mills per annum, and shall be collected in the same manner as other taxes. In lieu of the foregoing provisions, or in order to defray part of the cost of such water supply or water lines, in all cases where said township shall have established a water system and shall construct main water lines in said township, the board of township commissioners may charge the cost of construction of any municipal water lines or lateral lines, upon any streets or highways adjacent to main lines, or such portion of the cost of construction as the board may deem proper, upon the properties</p>	<p><b>FIRE PREVENTION AND PROTECTION</b></p> <p>Section 1801. Authority of Board of Supervisors.--The board of supervisors may provide for fire protection within the township.</p> <p>Section 1802. Fire Hydrants and Water Supply.--(a) The board of supervisors may place, replace, operate, maintain and repair or contract with water companies or municipal authorities for the placing, replacing, operating, maintaining and repairing of fire hydrants to water mains, maintaining pressures approved by fire insurance underwriters along highways, streets, roads and alleys within the township or provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire.</p> <p>The moneys necessary for providing or acquiring these fire protection services may be obtained by one of the following methods:</p> <p>(1) The board of supervisors may annually assess the cost of fire protection by an equal assessment upon all property, whether or not exempt from taxation by existing law, within seven hundred and eighty feet of any fire hydrant based upon the assessment of property for county tax purposes.</p> <p>(2) The board of supervisors may annually assess the cost of fire protection by an equal assessment on all property, whether or not exempt from</p>	
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<p>have the authority to investigate the fire.</p> <p>11 Pa. C.S. § 12429: Council may:</p> <p>(1) Acquire, operate and maintain motor vehicles for the purposes of transporting sick and injured individuals to and from hospitals.</p> <p>(2) Appropriate money toward ambulances and rescue and lifesaving services.</p> <p>(3) Make contracts relating to rescue and lifesaving services.</p> <p>11 Pa. C.S. § 12446: (a) Provision of emergency services.--A city shall be responsible for ensuring that fire and emergency medical services are provided within the city by the means and to the extent determined by the city, including the appropriate financial and administrative assistance for these services.</p> <p>(b) Consultation with providers.--The city shall consult with fire and emergency medical services providers to discuss the emergency service needs of the city.</p> <p>(c) Expenditure report.--The city shall require any emergency services providers receiving city money to provide an annual itemized listing of all expenditures of city money before the city may consider budgeting additional funding to the provider.</p> <p><b>Executive Powers (Mayor):</b></p>	<p>provided within the borough by the means and to the extent determined by the borough, including the appropriate financial and administrative assistance for these services. The borough shall consult with fire and emergency medical services providers to discuss the emergency services needs of the borough. The borough shall require any emergency services organization receiving borough funds to provide to the borough an annual itemized listing of all expenditures of these funds before the borough may consider budgeting additional funding to the organization.</p> <p><b>Taxation:</b></p> <p>8 Pa. C.S. § 1302(a)(9) &amp; (e): (a) Authority.--The council of the borough shall have power, by ordinance, to levy and collect annually a tax not exceeding 30 mills for general borough purposes, unless the council by majority action, upon due cause shown by resolution, petitions the court of common pleas, in which case the court may order a rate of not more than five mills additional to be levied and in addition any of the following taxes:</p> <p>*** (9) For the purpose of supporting ambulance, rescue and other emergency services serving the borough, not to exceed one-half</p>	<p>benefited or accommodated thereby. The ordinance, providing for such charge, shall be adopted by the board within six months from date of the final completion of such system of water lines. Said charges shall be assessed and collected in the manner provided in this act for the assessment and collection of charges for the construction of sewers. (XV amended Aug. 19, 1953, P.L.1090, No.290)</p> <p>XVI. Fire Regulations. To make regulations within the township or within such limits, as may be deemed proper, relative to the cause and management of fires and the prevention thereof; to purchase or contribute to the purchase of fire engines and fire apparatus for the use of the township, and to appropriate money to fire companies for the operation and maintenance thereof and for the construction, repair and maintenance of fire company houses; to ordain rules and regulations for the government of such fire companies and their officers, and to regulate the method to be followed in the extinguishment of fires.</p> <p>XVII. Fire Houses. To provide and maintain suitable places for the housing of engines, hose carts, and other apparatus for the extinguishment of fire. (XVII amended May 18, 2004, P.L.229, No.34)</p> <p>... XXXIV. Ambulances and Rescue and Life Saving Services. To acquire and to operate and maintain motor vehicles for the purposes of</p>	<p>taxation under existing law, abutting upon highways, streets, roads and alleys within seven hundred and eighty feet of any fire hydrant in proportion to the number of feet the property abuts any water main or within seven hundred and eighty feet of any fire hydrant on the water main. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable.</p> <p>(3) The board of supervisors may pay the cost for fire protection out of the general township fund. If the board of supervisors elects to pay the cost of fire protection services out of the general fund, any special fire protection districts and annual assessments shall be abolished. All moneys in the separate accounts for the special fire protection districts shall be paid into the general fund.</p> <p>(b) When assessments are made under this section, no assessment shall be made against any farmland or an airport which is privately owned and which is not open nor intended to be open to the public; but vacant lots between built-up sections, either tilled or not tilled, are not farmland.</p> <p>(c) All assessments for fire protection shall be collected by the tax collector under section 3301(a).</p> <p>(d) The assessment may be billed on the annual real estate</p>
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<p>11 Pa. C.S. § 11203(d)-(g):</p> <p>...  (d) Emergency proclamations issuance.--If the mayor determines that a state of emergency exists, the mayor may issue a proclamation in writing declaring a state of emergency. The mayor shall provide notice of the contents of the proclamation to council and to the news media within the city.</p> <p>(e) Emergency proclamations contents.--Upon the issuance of a proclamation declaring a state of emergency under subsection (d), the following shall apply:</p> <p>(1) The state of emergency shall not exceed five days, unless extended by council.  (2) In the case of a declaration of a state of emergency by the mayor for a citywide or site-specific emergency, a city department may temporarily implement the department's emergency assignments without complying with procedures required by law pertaining to the incurring of obligations and the employment of temporary workers.  (3) The proclamation may prohibit, for all or any part of the city where there is a clear and present danger to life or property through civil disorder:</p> <p>(i) an individual from being on public streets, in public parks or at any other public place during</p>	<p>mill, except as provided in subsection (e). The borough may appropriate up to one-half of the revenue generated from a tax under this paragraph for the purpose of paying salaries, benefits or other compensation of employees of the ambulance, rescue or other emergency service.</p> <p>(e) Tax for ambulance and rescue squads.--The tax for supporting ambulance and rescue squads serving the borough shall not exceed the rate specified in subsection (a)(9) except when the question is submitted to the voters of the borough in the form of a referendum which will appear on the ballot in accordance with the election laws of the Commonwealth, in which case the rate shall not exceed two mills. The county board of elections shall frame the question to be submitted to the voters of the borough in accordance with the election laws of this Commonwealth.</p> <p><b>Executive Powers (Mayor):</b></p> <p><b>8 Pa. C.S. § 10A06(b):</b>  (b) Emergencies.--  (1) In addition to the power granted to mayors by 35 Pa.C.S. Pt. V (relating to emergency management services) and in order to enable the mayor to effectually preserve the public peace within the borough, the mayor shall have the power to prevent and suppress mobs, riots and unlawful and tumultuous assemblies.  (2) In the event that a state of emergency exists, a mayor shall have the authority to request aid</p>	<p>conveying sick and injured persons of such township and the vicinity to and from hospitals, and, for such purposes, to appropriate and expend moneys of the township or to appropriate money annually towards ambulance and rescue and life saving service, and to enter into contracts relating thereto. All appropriations of money heretofore made and contracts heretofore entered into by any township for such service are hereby validated and confirmed. (XXXIV amended June 30, 1969, P.L.109, No.41)</p> <p>...  LXXIX. Emergency Services. (a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services.  (b) The township shall consult with fire and emergency medical services providers to discuss the emergency services needs of the township.  (c) The township shall require any emergency services organizations receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization. (LXXIX added Mar. 17, 2008, P.L.49, No.9)  Section 1606. Powers of Board of Health.--... The board shall also have power, with the consent of the township commissioners, in case of a prevalence or apprehended</p>	<p>tax bill for township purposes if authorized by the board of supervisors.</p> <p>Section 1803. Fire Companies, Facilities and Training.--(a) The board of supervisors may appropriate moneys for the use of the township or to fire companies located in the township for the operation and maintenance of fire companies, for the purchase and maintenance of fire apparatus, for the construction, repair and maintenance of fire company houses, for training of fire company personnel and, as set forth in this section, for fire training schools or centers in order to secure fire protection for the inhabitants of the township. The fire companies shall submit to the board of supervisors an annual report of the use of the appropriated moneys for each completed year of the township before any further payments may be made to the fire companies for the current year.  (b) The board of supervisors may by ordinance make rules and regulations for the government of fire companies which are located within the township and their officers.  (c) The board of supervisors may contract with or make grants to near or adjacent municipal corporations or volunteer fire companies therein for fire protection in the township.  (d) No volunteer fire company not in existence in the township before the effective date of this</p>
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<p>the hours declared by the mayor to be a period of curfew;</p> <p>(ii) the assembling or gathering of a group of individuals, in numbers to be designated by the mayor, upon public streets, parks or other public places;</p> <p>(iii) the entry or departure of an individual into or from any restricted area;</p> <p>(iv) the sale, purchase or dispensing of any commodities or goods designated by the mayor;</p> <p>(v) the transportation, possession or use of gasoline, kerosene or other combustible, flammable or explosive liquids or materials, except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use; and</p> <p>(vi) any other activities as the mayor reasonably believes would cause a clear and present danger to the preservation of life, health, property or the public peace.</p> <p>(f) Time and location.--A proclamation declaring a state of emergency shall describe any restricted area with particularity and specify the hours when the restrictions are to be in effect.</p> <p>(g) Penalties.--An individual who violates a proclamation declaring a state of emergency commits a summary offense and shall, upon conviction, be sentenced as provided by law.</p> <p>11 Pa. C.S. § 12106: The mayor of any city may issue a subpoena in the name of the</p>	<p>and assistance from law enforcement officers and agencies from a neighboring municipality.</p> <p>(3) In response to a request of a mayor made in accordance with this subsection, a municipal police officer shall, within the borough from which the request was made, have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office as if enforcing those laws or performing those functions within the territorial limits of the officer's primary jurisdiction, subject to the limitations and conditions set forth in 42 Pa.C.S. § 8953(b), (c), (d) and (e) (relating to Statewide municipal police jurisdiction).</p> <p>(4) If the mayor considers that a state of emergency exists, the mayor may issue a proclamation, which shall be in writing and posted in one or more conspicuous places and the contents of which shall be made available to all news media, declaring a state of emergency for a period not to exceed seven days unless sooner rescinded, modified or ratified or extended by resolution of council.</p> <p>(5) The mayor may prohibit in the proclamation for all or part of the borough:</p> <p>(i) Any person being on the public streets or in the public parks or at any other public place during the hours declared by the mayor to be a period of curfew.</p> <p>(ii) The entry or departure of persons into or from any restricted area.</p>	<p>prevalence of any contagious or infectious diseases in its township, to establish one or more emergency hospitals, and to make provisions and regulations for the maintenance and management of the same. . . .</p> <p><b>Taxation:</b></p> <p>Section 1709. Tax Levies.--(a) The board of township commissioners may levy taxes upon all property and upon all occupations within the township made taxable for township purposes, as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied, for the purposes and at the rate hereinafter specified: Provided, however, That such valuation shall be subject to correction by the county commissioners of the several counties, and to appeal by the taxable persons in accordance with existing laws.</p> <p>... Two. (i) An annual tax not exceeding three mills for the purpose of: (A) building and maintaining suitable places for the housing of fire apparatus; (B) purchasing, maintaining and operating fire apparatus; (C) making of appropriations to fire companies within or without the township; (D) contracting with adjacent municipalities or volunteer fire companies therein for fire protection;</p>	<p>act may organize or operate unless the establishment or organization is approved by resolution of the board of supervisors.</p> <p>(e) The board of supervisors may annually appropriate funds to fire companies located within the township for the training of its personnel and to lawfully organized or incorporated county or regional firemen's associations or an entity created pursuant to the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, to establish, equip, maintain and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of fire departments and volunteer fire companies in any city, borough, town or township within this Commonwealth.</p> <p>(1803 amended Dec. 18, 1996, P.L.1154, No.175)</p> <p><b>Compiler's Note:</b> The act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, referred to in subsec. (e), was repealed by the act of December 19, 1996, P.L.1158, No.177. The subject matter is now contained in 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation). Section 1804. Ponds, Dams or Impoundments for Fire Protection.--The board of supervisors may construct or</p>	
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<p>Commonwealth to an individual requiring the attendance of the individual before the mayor or the fire marshal at the time and place as may be named in the subpoena, then and there to testify, under oath or affirmation, which the fire marshal in the absence of the mayor is empowered to administer, as to:</p> <p>(1) the origin of any fire occurring within the bounds of the city; and</p> <p>(2) any facts or circumstances that may be deemed important to secure the detection and conviction of any party guilty of the offense of arson or attempted arson.</p>	<p>(iii) The sale, purchase or dispensing of any commodities or goods as designated by the mayor.</p> <p>(iv) The transportation, possession or use of gasoline, kerosene or other combustible, flammable or explosive liquids or materials except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use.</p> <p>(v) Any other activities as the mayor reasonably believes should be prohibited to help preserve life, health, property or the public peace.</p> <p>(6) The proclamation shall describe the specific restricted area with particularity and shall specify the hours when restrictions are to be in effect.</p> <p>(7) A person violating the proclamation of emergency commits a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed \$300 and costs or to a term of imprisonment not to exceed 30 days.</p> <p><b>8 Pa. C.S. § 1123.1(d):</b></p> <p>...</p> <p>(d) Appointment of special police.--The mayor may appoint special police during an emergency in which the safety and welfare of the borough and the public is endangered.</p> <p><b>Contracting</b></p> <p>8 Pa. C.S. § 2406. Boroughs may receive bids from water companies and municipal authorities authorized to do</p>	<p>(E) the training of fire personnel and payments to fire training schools and centers;</p> <p>(F) the purchase of land upon which to erect a fire house; and</p> <p>(G) the erection and maintenance of a fire house or fire training school and center.</p> <p>(ii) The township may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of fire suppression employees of the township or a fire company serving the township.</p> <p>(iii) If an annual tax for the purposes specified in this clause is proposed to be set at a level higher than three mills the question shall be submitted to the voters of the township, and the county board of elections shall frame the question in accordance with the election laws of the Commonwealth for submission to the voters of the township. (Two amended Nov. 23, 2004, P.L.-912, No.123)</p> <p>...</p> <p>Seven. (i) An annual tax not exceeding one-half mill for the purpose of supporting ambulance, rescue and other emergency services serving the township, except as provided in subsection (c).</p> <p>(ii) The township may appropriate up to one-half of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of employees of an ambulance, rescue or other emergency service serving the township.</p>	<p>contribute moneys for or participate in the construction of ponds, dams or other impoundments to provide water for fire protection for the township.</p> <p>Section 1805. Fire Prevention Code.--The board of supervisors may adopt any standard fire prevention code published and printed in book form as provided under this act for adopting standard codes.</p> <p>Section 1806. Prohibition of Fire-Producing Devices in Certain Retail Stores.--The board of supervisors may by ordinance prohibit the smoking or carrying of lighted cigarettes, cigars, pipes or matches and the use of matches or fire-producing devices in retail stores arranged to accommodate one hundred persons or more or which employ ten or more employees. Any ordinance passed under this section may not prohibit smoking in any restaurant room, rest room, beauty parlor, executive office or any shopping center area designated for smoking.</p> <p>Section 1914. Special Fire Police.--The board of supervisors may confirm any members of a volunteer fire company to serve as special fire police under the act of June 18, 1941 (P.L.137, No.74), entitled, as amended, "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire</p>	
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	<p>business within the borough and from other municipalities operating a water system for the supply of water for fire protection and for other municipal purposes. The borough may contract for the supply of water with the water company.</p> <p><b>Taxation:</b> 8 Pa. C.S. 1302(6): (6) For the purchase of fire engines, fire apparatus and fire hose for the use of the borough or for assisting any fire company in the borough in the purchase, renewal or repair of any of its fire engines, fire apparatus or fire hose, for the purposes of making appropriations to fire companies both within and without the borough and of contracting with adjacent municipalities or volunteer fire companies in adjacent municipalities for fire protection, for the training of fire personnel and payments to fire training schools and centers or for the purchase of land upon which to erect a firehouse, or for the erection and maintenance of a firehouse or fire training school and center, not exceeding three mills. The following shall apply: (i) The borough may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this paragraph for the purpose of paying salaries, benefits or other compensation of fire suppression employees of the borough or a fire company serving the borough. (ii) If an annual tax for the purposes specified in this</p>	<p>(Seven amended Nov. 23, 2004, P.L.912, No.123) ... (c) The tax for supporting ambulance and rescue squads serving the township shall not exceed the rate specified in clause seven of subsection (a) except when the question is submitted to the voters of the township in the form of a referendum which will appear on the ballot in accordance with the election laws of the Commonwealth, in which case the rate shall not exceed three mills. The county board of elections shall frame the question to be submitted to the voters of the township in accordance with the election laws of the Commonwealth. ((c) amended Nov. 23, 2004, P.L.912, No.123) (1709 amended Dec. 17, 1990, P.L.744, No.186)</p>	<p>police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, township or home rule municipality." The chairman of the board of supervisors may swear in special fire police officers.</p> <p><b>Taxation:</b> Section 3205. Township and Special Tax Levies.--(a) The board of supervisors may by resolution levy taxes upon all real property within the township made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates specified in this section. All taxes shall be collected in cash. ... (4) An annual tax not exceeding three mills to purchase and maintain fire apparatus and a suitable place to house fire apparatus, to make appropriations to fire companies located inside and outside the township, to make appropriations for the training of fire company personnel and for fire training schools or centers and to contract with adjacent municipal corporations or volunteer fire companies therein for fire protection. (i) The township may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or</p>	
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	<p>paragraph is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the borough, and the county board of elections shall frame the question in accordance with the election laws of this Commonwealth for submission to the voters of the borough.</p> <p>(7) For building a firehouse, fire training school and center, lockup or municipal building, not exceeding two mills, additional millage permitted only following a favorable referendum on the matter held in accordance with the election laws of this Commonwealth.</p>		<p>other compensation of fire suppression employees of the township or a fire company serving the township.</p> <p>(ii) If an annual tax is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the township.</p> <p>(5) A tax not exceeding two mills to establish and maintain fire hydrants and fire hydrant water service.</p> <p>...</p> <p>(8) An annual tax not exceeding one-half mill to support ambulance, rescue and other emergency services serving the township.</p> <p>(i) The township may appropriate up to one-half of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of employees of the ambulance, rescue or other emergency service.</p> <p>(ii) If an annual tax is proposed to be set higher than one-half mill, the question shall be submitted to the voters of the township.</p> <p>...</p>
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## Appendix 2: SR 6 Commission Government Support Subcommittee Survey Results

July 2018

### Background

In late April 2018 the Government Support Subcommittee was requested to gather information regarding the following:

1. *Number of stations in each Municipality.*
2. *Number of trucks in each station.*
3. *Number of Firefighters on the roster.*
4. *Number of “Active Firefighters”, we will need to define what active is with some type of measuring scale.*
  - a. *Is It 10% of runs per year?*
  - b. *Is it 20% of runs per year?*
5. *How many Firefighters have FF I?*
6. *How many Firefighters have FF II?*
7. *Anything else we [subcommittee] can think of in relation to this.*

To respond to this inquiry, the subcommittee developed a survey, which was sent to fire departments (companies) across the commonwealth. See Attachment A. The survey went to 1,713 fire departments as this was the number of departments for which the Office of the State Fire Commissioner (OSFC) had electronic contact information on file. This survey group included career and volunteer entities, but excluded the cities of Pittsburgh and Philadelphia. From this effort, 31 surveys were undeliverable and 385 responses were received. A total of 382 responses were useable. The survey period was open from June 1 through June 30.

### Results Summary

Responses to the survey were proportionally reasonable with estimates with 221 survey respondents identifying their area as Rural (58%), 137 as Suburban (36%), and 24 identifying as Urban (6%). Thus, the survey provides a reasonable approximation of conditions across the whole of the commonwealth. For any specific survey question the correlation between these responses and fire departments across the whole of the commonwealth is less robust since there is significant variety among departments owing to the wide variety of local conditions.

As expected, the experiences of this survey reflect those of many questionnaire type surveys: limited participation and numerous respondent errors or omissions. This fairly simple 14-question survey required approximately 20 hours of data review and formatting. The Government Support Subcommittee continues to advocate for additional resources within OSFC to improve data collection systems and subsequent analyses.

The overarching goal of this survey was to determine the suitability and effectiveness of a questionnaire style survey for the purpose of establishing baseline data, from which to judge the impact of actions undertaken by the Legislature relative to any particular SR6 recommendation. The experience of this survey suggests that a free-standing questionnaire style survey is not likely to provide data sufficient to judge the impact or effectiveness of future efforts. The response rate to this survey was only 22%. A desirable sample, better suited to purpose, should

be slightly more than double that of this survey, assuming similar proportionality (Rural/Suburban/Urban).

A number of survey results warrant particular attention and they are listed here in no particular order:

1. **Active Personnel:** Analysis of PENNFIRS data in May showed that the number of firefighters active in the commonwealth was no more than 37,715 individuals. This number includes career personnel, exclusive of the cities of Allentown, Pittsburgh, and Philadelphia. Therefore, the number of volunteer firefighters is less than this number. It is also important to note that not all volunteers who respond to fire incidents are actually capable firefighters. The PENNFIRS data also includes Fire Police Officers and undoubtedly includes some number of “Life Members” who no longer serve actively on the scene, but respond to the station and are thus credited for their response.

This survey corroborates the findings of the PENNFIRS analysis and further suggests the numbers of active volunteers are lower than previously thought. The average number of active volunteers on a Rural department’s roster is 29 (Median = 25). In 2012 this was reported to be almost 40 (Center for Rural Pennsylvania). The average roster for Suburban departments is 38 (Median = 34), and for Urban respondents the average roster is 57 (Median = 42).

2. **Roster Duplications:** Respondents were asked to report the number of members on their rosters that are active with other fire departments. For Rural departments 17% of the active members respond with one or more other fire departments. For Suburban respondents that number dropped to 15.3%, with almost 1% active with three or more additional departments. For Urban respondents the number dropped to 8.8%. (It should be noted that career departments are often not aware of members volunteering outside normal shift hours.) These numbers support the reality that the membership rosters of departments across the commonwealth include many of the same individuals.
3. **Availability of Personnel:** Respondents were asked to identify the number of members who respond to at least 10% of all incidents and those responding to 20% of all incidents. For Rural departments and average of 63% of those on the roster are responding to at least 10% of all incidents, 49% are responding to at least 20% of all incidents. For Suburban departments reported participation rates are 57% and 41%; reported rates for urban departments are 70% and 57%. This data is relevant to any future proposals that may require a definition of ‘active firefighter’.
4. **Training:** Data from this survey shows the average number of firefighters certified to FFI in Rural departments is 26%. For Suburban and Urban departments certification rates are 42% and 60% respectively.
5. **Apparatus and Station Density:** As requested, the survey asked for information as to the type and numbers of apparatus, and the number of stations from which the department operates. This data is of very limited value because departments often provide service to all, or portions of, multiple municipalities. It should also be noted that no consensus standard exists relative to apparatus types and numbers, and further that a particular apparatus “type” does not necessarily describe actual apparatus function or use.

One half of the rural departments are covering less than 33 square miles per station, while the remaining half is covering more than 33 square miles per station. One half of the Suburban departments are covering 6 square miles or less, the remaining half is covering more than 6 square miles. One half of the urban departments are covering 3 square miles or less, the remaining half is covering 3 square miles or more.

Approximately 9% of Suburban departments report covering an area of one square mile or less. Approximately 46% of rural fire departments are covering an area in excess of 40 square miles.

6. Other Item of Note: Approximately 4% of rural departments are operating with fewer than 11 active members. Approximately 2.5% of Suburban departments are operating with fewer than 11 active members.

## **Future Efforts**

The experience of this survey reinforces subcommittee concerns relative to quality data collection and analysis. Dedicated staff is necessary to have statistically robust data from which to make decisions regarding the priorities for future action or evaluating the impact of future action. Ideally, intelligent software capable of flagging incorrect/unmatched responses would be employed and responses to surveys would be audited for accuracy or follow-up.

It is clear from the responses to this survey that many respondents need some assistance in providing data. (Examples of respondent issues include: unknown FDID numbers, unknown demographics of first due areas, alpha entries in lieu of requested numeric entries, obvious reporting inaccuracies [e.g. more people certified than on the department roster], and failure to read questions and/or instructions.)



# SR6 Government Support Subcommittee Survey

## Attachment A

1. Please enter your FDID.

2. Which BEST describes you?

- Chief
- Deputy, Assistant, or Battalion Chief
- Line Officer
- President
- Other Administrative Officer
- Member
- Other

3. Which BEST describes the majority of your first due coverage area?

- Rural
- Suburban
- Urban

4. How many incidents does your company respond to in a typical year? (Please exclude EMS incidents if you provide BLS or ALS services.)

5. How many fire stations does your company operate from?

6. Who owns your fire station(s)?

- Fire Department/Company Owned
- Municipality Owned
- Joint Ownership
- Other

**7. Using the definitions provided, how many vehicles are being used by your department?**

Engine: Any engine, wagon, or pumper suited for structure fire suppression. Mini- and Midi-pumpers used directly in structure fire suppression (attack or water supply) should be included in this category. Squirts which do not have a platform or climbing ladder should be included in this category. Engine/Tankers, Engine/Rescues, and Rescue Engines should be included in this category.

Truck: Any vehicle, with or without a pump that has a climbable aerial device or platform (bucket) and is used to support structure fire suppression (ladder, platform, tower ladder, ladder tower, and any type of quint).

Tanker/Tender: Any unit for which the primary purpose is the delivery (hauling) of water regardless of pump or hose compliment. (Engine/Tankers suited as primary fire attack apparatus should be included in the "Engine" category.)

Rescue: Any vehicle whose primary purpose is the transport of rescue tools and equipment. (Engine/Rescues and Rescue Engines suited as primary fire attack apparatus should be included in the "Engine" category.)

Special Use: Please limit this category to Traffic Units, Brush Trucks, Command Posts (including communications vehicles), Air Wagons (cascade/ mask unit vehicles), Canteens, and Rehab Units.

Other: All other vehicles such as general Utility Units, trailers of any kind or purpose, ATV/UTV's, staff cars, parade-only vehicles, and any other unit that is not identified/included in the preceding categories.

**8. How many firefighters (regardless of rank) are presently on your company roster?**

**9. How many of the firefighters on your company roster also belong to another fire company?**

Number of firefighters who belong to one additional company:

Number of firefighters who belong to two additional fire companies:

Number of firefighters who belong to three or more additional fire companies:

**10. Using the last full year of department data or the last twelve months:**

Of the firefighters presently on your company roster, how many of them respond to at least 10% of all incidents per year?

Of the firefighters presently on your company roster, how many of them respond to at least 20% of all incidents per year?

**11. How many of the firefighters on your company roster are certified to Firefighter I (FFI)?**

**12. How many of the firefighters on your company roster are certified to Firefighter II (FFII)?**

**13. What is the population of your first due response area? (Best Estimate)**

**14. How many square miles in your first due response area? (Best Estimate)**

## Appendix 3: Legislative Accomplishments Pertaining To Emergency Responders

(1995 – 2016)

### Signed into Law

#### Act 61 of 1995

Established the Office of the State Fire Commissioner and the Fire Safety Advisory Committee.

#### Act 129 of 1998

College tuition waiver for the children of police, fire and EMS personnel who are killed in the line of duty.

#### Act 157 of 1998

Established the penalty for obstructing emergency services, at the scene of an accident or emergency, to a misdemeanor of the third degree.

#### Act 158 of 1998

Amended the Child Labor Law by allowing 14- and 15-year-old firefighters (jr. firefighters) to perform their duties until 10 p.m. on school nights, with parental consent.

#### Act 32 of 1999

Allows volunteer fire departments to purchase used fire trucks, using the Volunteer Loan Assistance Program (VLAP), provided that the truck meets at least the 1991 NFPA safety standards. In the past, the truck had to meet "current" NFPA standards, thus many used vehicles do not qualify for the VLAP Program.

- PA Fire Information and Reporting System computer hardware and software are now eligible items for the VLAP Program.

#### Act 66 of 2000

Established a \$25 million grant program for volunteer fire and EMS departments. As well, provides a permanent consolidation incentive that will reduce the 2% interest rate for existing loans to 1% when volunteer fire departments merge.

#### Act 124 of 2000

Exempts volunteer fire departments and other non-profit entities from the state's food employee certification process in regard to requiring that at least one employee/member must be certified under this program.

#### Act 75 of 2001

An omnibus bill that makes several changes to the Motor Vehicle Code. Among these is a provision that doubles the fines for traffic violations that occur in emergency response zones. This is similar to current law that doubles fines for infractions in construction areas. Emergency service responders are authorized to report these violations to law enforcement personnel.

#### Act 91 of 2001

Designates the area between the newly constructed Keystone Building and the State Museum to be known as "Emergency Responder Plaza". This large plaza

area will be appropriately marked and will be used by police officer, firefighter and EMS organizations for year round educational programs and remembrance ceremonies.

#### Act 115 of 2001

The Hepatitis C controversy has been a particularly salient issue for those emergency responders who are concerned about potential exposure to this disease. An important piece of legislation, House Bill 1633, takes steps to help paid and volunteer firefighters, EMTs and paramedics infected with Hepatitis C. This new law classifies Hepatitis C as an occupational disease for emergency rescue workers across Pennsylvania under the state's workers' compensation law. Under current law, nurses and other health care workers are already covered if they contract Hepatitis C on the job. This legislation extends that coverage to professional and volunteer firefighters, volunteer ambulance, rescue and other lifesaving personnel, law enforcement officers, state and county correctional employees, and forensic employees of the Department of Welfare.

#### Act 59 of 2002

EMS personnel would be afforded protection under the advanced directives ... in terms of withholding treatment of DNR "Do Not Resuscitate" patients.

- Dept. of Health issues ID bracelets/cards
- EMS personnel immune from civil liability

#### Act 60 of 2002

Establishes that municipalities, who do not have a volunteer fire department but receive the services from another fire department in another municipality, must reimburse that municipality for a portion of the workers compensation premiums paid for the member of the volunteer fire department.

#### Act 89 of 2002

Provides for a referendum question in the November 2002 General Election which will ask the voters if they are in favor of floating up to \$100 million in bonds to support the volunteer fire and emergency services across the Commonwealth. This referendum overwhelmingly passed and the legislature is currently working on enacting legislation to outline a program to spend these funds. It is anticipated that legislation will be brought forward next year. Items eligible for funding presently being considered are emergency service vehicles, equipment, facilities and apparatus. Funding may also be used to shore up the Volunteer Loan Assistance Program (VLAP).

#### Act 17 of 2003

Establishes the Volunteer Fire Company and the Volunteer Ambulance Service Grant Act. Grants would be used to improve and enhance the capabilities of volunteer fire companies and ambulance services across the Commonwealth. The sum of \$22,000,000 is allocated for fire company grants and \$3,000,000 is allocated for ambulance service grants. The office of the State Fire Commissioner will be accepting these applications until December 31, 2003.

#### Act 48 of 2003

Allows Fire/EMS training courses to be high school curriculum electives.

#### Act 75 of 2004

Allows drivers of emergency vehicles to pass school buses, which are stopped with flashing red lights engaged, but only after the emergency vehicle has come to a complete stop and then proceeds while exercising due diligence and caution for the safety of the school children.

#### Act 80 of 2004

This legislation re-establishes a \$25 million dollar grant program for volunteer Fire/EMS departments. This grant program is identical to last year's program. Passed the Veterans Affairs and Emergency Preparedness Committee on March 30, 2004. Passed the House unanimously on April 14, 2004.

#### Act 59 of 2005

Amends the Act 101 Emergency Responder Death Benefit Act to include "heart attack" related deaths as a compensable line of duty death (Identical to a 2003 change in federal law), and also increases the death benefit from \$50,000 to \$100,000 (Adjusted annually then with inflation figures).

#### Act 13 of 2006 (Nailor)

Provides \$25 million in funds for the "Volunteer Fire Company and Volunteer Ambulance Service Grant Act" for 2005-06. Grants to volunteer fire and rescue companies range from \$2,500 to \$15,000 and examples of use are purchase or repair of equipment, training, and debt reduction for qualified purchases. Grants to volunteer ambulance companies range from \$2,500 to \$10,000 and examples of use are purchase or repair of equipment, support services, training, and debt reduction.

#### Act 153 of 2006

Creates a bulk purchase procurement contract program within the Department of General Services for equipment and supplies for volunteer fire and EMS departments, thereby saving these emergency response groups money on the purchase of these items.

#### Act 168 of 2006

Amends Title 18 (Crimes Code) by adding a provision to section 3301 (Arson and related offenses) which forbids any person convicted of arson under any federal or state law from serving as a member of a volunteer or paid firefighter company, and further prohibiting them from certification as a firefighter under section 4 of the Act of November 13, 1995, (P.L.604, No.61), known as the State Fire Commissioner Act.

It also establishes 2 methods of proof of non-conviction of arson: (1) official criminal history record showing no convictions; or (2) a signed and dated statement swearing that the person has never been convicted of arson with a notice that any false statements could lead to a conviction for unsworn falsification to authorities.

#### Act 10 of 2007 (Lentz)

Provides for a \$25 million Grant Program for Volunteer Fire and EMS Departments, with a one-time \$50 million grant program for 2007-2008. This legislation, or a comparable piece, is expected to become law by this summer,

with funding checks received by volunteer fire/EMS companies by the end of the year.

Act 21 of 2007 (Fairchild)

Provides for certified Hazmat response team members to receive the \$100,000 death benefit (manually adjusted by the CPI) that is available to other EMS responders under Act 101 of 1976.

Act 7 of 2008

Amends The Second Class Township Code to ensure that second class townships provide fire and emergency medical services within the township. This legislation also ensures that second class townships must provide appropriate financial and administrative funds to enable emergency services to effectively protect the township.

Act 8 of 2008

Amends The Borough Code to ensure that boroughs provide fire and emergency medical services within the borough. This legislation also ensures that boroughs must provide appropriate financial and administrative funds to enable emergency services to effectively protect the borough.

Act 9 of 2008

Amends The First Class Township Code to ensure that first class townships provide fire and emergency medical services within the township. This legislation also ensures that first class townships must provide appropriate financial and administrative funds to enable emergency services to effectively protect the township.

Act 31 of 2008

Amends the Third Class City Code to ensure that Third Class Cities provide fire and emergency medical services within the city. This legislation also ensures that Third Class Cities provide appropriate financial and administrative funds to enable emergency services to effectively protect the cities.

Act 66 of 2008

Provides a \$100 tax rebate for volunteer fire & EMS personnel for the 2008 calendar year.

Act 93 of 2008

Provides for a statewide mutual aid system for emergency responders, thereby allowing municipalities and counties to assist each other during an emergency and not be encumbered with liability, insurance and cost recovery complications, which are already pre-negotiated under the mutual aid system.

Act 37 of 2009

This act is the rewrite of act 45 of 1985 (THE EMS ACT). It was codified into Title 35 (public safety). This act essentially defines the scope and practice of EMS providers according to national standards of practice rather than being based on the EMS curriculum.

Act 118 of 2010

This act codified many fire and EMS laws under Title 35 and extended the existing wireless telephone 911 surcharge of \$1 to “prepaid” wireless phones and phone cards.

Act 46 of 2011

Establishes a cancer presumption for firefighters under Workers Compensation.

Act 78 of 2012

Reauthorizes the Fire and EMS Grant Program until June 30, 2016 and increases the amount of funding to \$30 million. Also, includes municipal fire companies as an eligible entity, of which there are approximately 35.

Act 85 of 2012

Provides that firefighter’s relief associations are an entity eligible for tax exempt status under the Tax Reform Code of 1971, and provides that a volunteer firefighter’s relief association or firemen’s organization’s tax exempt certificates are to be issued and considered permanent.

HR 315 of 2012

A resolution directing both the Legislative Budget and Finance Committee (LBFC) and the Joint State Government Commission (JSGC) to conduct a study of the financial and administrative effectiveness of the emergency medical services (EMS) system in the Commonwealth, and to issue a joint report to the House of Representatives.

Act 52 of 2013

Amends Act 2 of 1971, known as the Tax Reform Code, to permanently exempt volunteer fire companies from the realty transfer tax.

Act 129 of 2013

Amends Title 35 (Health and Safety) to rewrite and update the statute for the Volunteer Loan Assistance Program, which hasn’t been seriously updated since the early 1990’s, by increasing the loan amounts and payback periods.

Act 1 of 2014

Amends Title 35(Health & Safety) to authorize two or more fire companies that share a relief association to each send a duly elected delegate to represent their individual company and each delegate may have their reasonable expenses of travel and maintenance paid for with relief funds.

Act 57 of 2014

Establishes an EMS Memorial Flag in the Commonwealth of PA. Similar to the Fallen Firefighter Flag established by Act 168 of 1990.)

Act 65 of 2014

Amends Title 35 (Health and Safety) to allow monies from volunteer firefighters’ relief association funds to be used for the payment of reasonable expenses actually and necessarily incurred for attending bona fide emergency medical technician or paramedic training schools, whether it is basic life support (BLS) or advanced life support (ALS).



Act 140 of 2014

Expands the definition of “fire department vehicle” in Title 75 (Vehicles) to include vehicles that are owned or leased by a fire relief association and used by a paid or volunteer fire department, in addition, the act includes state emergency management vehicles in the definition of “emergency vehicles”.

Act 1 of 2015

Amends the Emergency and Law Enforcement Personnel Death Benefits Act by extending the filing period for the benefit from 90 days to 4 years.

Act 12 of 2015

Comprehensively amends Title 35 Chapter 53, relating to emergency communications service, to update and enhance PA’s 911 emergency communications law; imposes a Uniform Surcharge of \$1.65, beginning on August 1, 2015.

ACT 57 of 2015

Amends Title 35 (Health and Safety) authorizing volunteer first responder organizations to solicit contributions along a highway or roadway.

ACT 84 of 2015

Amends the Insurance Company Law providing for a process for insurance companies to reimburse out-of-network EMS agencies directly.

Act 60 of 2016

Extends the \$30 million Fire and EMS Grant Program until June 30, 2020.

ACT 30 of 2016

Amends Title 35 (Health & Safety) to prohibit the release of a public record or part of a public record under a RTK request that contains **identifying** information relating to *a 911 caller*.

ACT 110 of 2016

Amends Act 101 of 1976 by extending the death benefit to members of the Civil Air Patrol.

Act 145 of 2016

Amends the Heart and Lung Act by adding firefighters to the act who are employed by the Commonwealth.

Act 172 of 2016

Authorizes local governments to enact a tax credit (earned/property) for active volunteer fire and EMS personnel; provides that the credit may not exceed 20% of the volunteers tax liability.

## Appendix 4: Status of Senate Resolution 60 Recommendations

### SENATE RESOLUTION 60 COMMISSION RECOMMENDATIONS UPDATE

March 2016

*PROGRESS HAS BEEN MADE IN ADDRESSING THE RECOMMENDATIONS OF THE SR 60 COMMISSION SINCE ITS INITIAL REPORT IN NOVEMBER 2004.*

*THIS PROGRESS HAS ONLY BEEN MADE POSSIBLE BY THE MANY DEDICATED INDIVIDUALS WHO BELIEVE IN SUSTAINING AND IMPROVING THE DELIVERY OF EMERGENCY SERVICES ACROSS PENNSYLVANIA.*

*BELOW IS A SUMMARY OF PROGRESS TO DATE AND ON THE FOLLOWING PAGES SPECIFIC PROGRESS INFORMATION FOR EACH OF THE RECOMMENDATIONS IS INCLUDED.*

*WE ASK FOR YOUR CONTINUED SUPPORT AS WE WORK FOR THE IMPLEMENTATION OF THE REMAINING RECOMMENDATIONS THAT WILL ENABLE US TO SUCCESSFULLY COMPLETE THE IMPLEMENTATION OF SR 60 COMMISSION RECOMMENDATIONS.*

### SENATE RESOLUTION 60 COMMISSION RECOMMENDATIONS UPDATE

#### **RECOMMENDATION 1.** **CONSISTENT STATUTORY REQUIREMENTS**

**Issue** – There are no consistent municipal statutory statement of authority, responsibility and accountability for fire and emergency medical service within the forms of municipality in the Commonwealth.

**Problem Statement** – This true lack of consistency creates a dilemma in the expectation of the citizenry, as well as service providers and elected officials as the service delivery system can change from municipality to municipality. A simplistic overriding structure, while still allowing local flexibility and implementation is necessary in the 21 Century.

**Resolution** – Legislative changes are suggested at the “policy level in order to clarify the need and delivery system of fire and emergency medical services within the Commonwealth”. Within “The Pennsylvania Manual,” it is recommended that the phrase emergency medical services be added, so as to read...”The main areas of local services include police, fire and emergency medical services...” Secondly, it is recommended that the common language appear in each form of government statutes, action should be taken to create amendatory language that would add and more clearly specify that is the direct responsibility of local municipal governing bodies to assure the provision for fire and emergency medical service response within their jurisdictions by means and to the extent as determined by the locally elected representatives of the municipal governing body.

There will be no costs anticipated with this recommendation, however legislation modification is necessary.

**Status: COMPLETE**

*HB1131, HB1133, HB1134 PASSED AND SIGNED BY GOVERNOR (Townships/Boroughs)  
ACT 7, Act 8, Act 9 and Act 31 of 2008*

*Many local government still do not hold an annual meeting.*

## **RECOMMENDATION 2. SERVICE DELIVERY MODEL**

**Issue** – There is no common or defined approach regarding fire and EMS delivery within Pennsylvania.

**Problem Statement** – Currently most elected officials do not understand the varying levels of capabilities of their Emergency Service departments to respond to incidents. This lack of understanding leads to unaccountable emergency services as well as inadequate, variable or redundant service levels, which adversely affect cost effective performance and appropriate distribution of needed funding.

**Resolution** – It is recommended that the state adopt legislation that would incent municipal governments to certify an expected level of service before state funds are received. Any mediation necessary would be provided by the Regional EMS Council or the Center for Local Government Services in the Department of Community and Economic Development. Legislative changes are suggested at the “policy level in order to clarify the need and delivery system of fire and emergency medical services within the Commonwealth.”

As noted in Recommendation 1, it is recommended that the common language appear in each form of government statutes which could essentially read:

Each municipality shall be required to complete and submit a summary of emergency service provision, whereby the municipal officials will be required to meet jointly with the leadership of service providers, selecting said providers of various services as indicated in Appendix 1.

Compliance is required before any State Grant Funds or Federal Grant Funds administered by the state for emergency services, fire, and EMS or Homeland Security would be released to the community/agency.

Costs associated with this are perceived to be at the mediation phase, if required, and would be within the budget of the Center for Local Government Services in the Department of Community and Economic Development. Refer to Appendix 2.

NOTE: A community (elected leaders coupled with fire and EMS leadership) should jointly identify the service level they wish to provide, and if appropriate, a service level to aspire to. This agreed level of service will define the expectations, as well as help establish goals, assist in financial planning, and most importantly open lines of communication for critical needs. A community can also have more than one level of service within the community. There are no right or wrong answers, just the ones made jointly in the best interest of the community.

**Status: Only a handful of local governments have adopted a standard of cover. The adoption of a standard of cover is key to evaluating the cost and quality of emergency services.**

*HB1131, HB1133, HB1134 AND SB 987 (when passed) WILL MEET THE INTENT OF THIS RECOMMENDATION AND MOVE US IN THE DIRECTION OF A MUTUALLY DEVELOPED PLAN*

### **RECOMMENDATION 3. ACT 84 RESTRUCTURING**

**Issue** – Restructure Act 84 to return to the original goals of the program and assure some minimum protection levels to all responders.

**Problem Statement** – This program worked as it was intended when it was first created, however there are inequities in the current distribution system, for example, all firefighters do not receive basic personal protection equipment, the allowable purchases have expanded too much to make it more attractive to buy equipment versus protecting employees, there is unnecessary auditing, EMS is perceived to be not involved, and relief associations do not have enough money to buy the basic protections for its members.

**Resolution** – Reform is necessary to determine how the funds should be used, how they should be distributed, and how the program is audited. Many recommendations have been submitted at prior hearings and workshops and several pieces of legislation regarding modification are advanced each legislative session. However, these tend to be established from a specific perspective rather than enhancement of the comprehensive system. A select committee should be established to hold appropriate hearings and develop appropriate legislation, equitable to the intent of the program. The Commission has discussed and agreed that the funding to assure minimum levels be provided to all associations (for minimum insurance benefits), funded by new increases in the tax received being equitably applied to those associations to assure minimum thresholds are met, and identify an inclusion methodology for volunteer EMS.

**Status: PROGRESS**

**The 1% increase in foreign fire insurance proposed for the 2015/16 will allow the goals of this recommendation to be met.**

### **RECOMMENDATION 4. TAX CREDIT TO VOLUNTEER FIREFIGHTERS AND EMS STAFF**

**Issue** - Our volunteer emergency service responders perform a critical public service. It is a service we cannot do without. As a result, a tax credit represents a responsible course as an incentive for recruitment and retention.

**Problem Statement** - New initiatives are needed to not only retain volunteers we already have but to attract a new generation of recruits.

**Resolution** - SB 916 (2003/04 session) would provide an annual \$250 state income tax credit for "active" volunteer firefighters and EMS personnel. Unlike a pension benefit that may be more attractive to those volunteers who are thinking about retirement, a tax credit provides an immediate benefit to all and may be particularly rewarding to young volunteers in the early stages of their employment careers. Active status for tax credit eligibility would be determined by a service point system established by the state Fire Commissioner. The point system would take into account such factors as the number of emergency calls responded to by a volunteer in a given year, a volunteer's level of training and participation in drills, and time expended on administrative and other fire company support services such as fundraising and maintenance of

facilities and equipment. The General Assembly should also develop legislation granting counties, municipalities and school districts the optional authority to provide for a similar credit against local taxes for active volunteer emergency service responders. Other states are also beginning to recognize the volunteer emergency service responder retention/recruitment benefit of tax credits. Since 1996, Maryland has provided its volunteer firefighters with an average \$250 annual state income tax break. The Maryland program also operates on a service point system, albeit on a county-by-county basis. In the first year of Maryland's program, 7,850 volunteers qualified. For the 2003 tax year, 12,590 volunteers qualified. Relative to the inevitable question of whether such a tax credit would be constitutional in Pennsylvania, there are strong indications that it would withstand a challenge based on previous court decisions. The state Constitution's Uniformity Clause should not be an issue because this is a "credit" not a tax. The imposition of the state's Personal Income Tax will continue to be uniform. What's more, there are already numerous tax credits that exist in Pennsylvania.

**Status: ACTION STARTED**

*SEVERAL PIECES OF LEGISLATION INTRODUCED TO ADDRESS THIS RECOMMENDATION:*

*SB 299 allows municipalities to give a tax credit on earned income tax to volunteers. The bill has passed the Senate.*

*HB 1683 allows municipalities to provide a 20% property tax break for volunteers.*

*The state enacted a state income tax credit for volunteers. It was allowed to expire and no longer exists.*

**RECOMMENDATION 5.  
EMS ACT 45 REFORM**

**Issue** - The EMS Act (Act 45 of 1985, P.L. 164) was developed in the early 1980s and enacted in 1985. Although it was a model for its time, some aspects are outdated and need to be revised.

**Problem Statement** - The EMS Act needs to be revised to better reflect the current practice of out of hospital emergency medicine, as well as reflect the current delivery system of the volunteer and career EMS services. When the EMS Act was originally passed most EMS organizations were fire based, thus relying heavily on volunteer workforce. However, today less than 1/3 of the workforce is volunteer and 2/3 of the ambulance services are non-fire based in the Commonwealth. Time, technology, workforce composition, as well as system demands have all changed dramatically over the past 20 years. Additionally, several reports conducted over the past several years with the purpose of evaluating the EMS System, have concluded that the current system is not fulfilling its fundamental mission. Essentially, the Act does not match service delivery needs of today.

**Resolution** - The legislature should form a Commission to review the reports that have been conducted over the past several years, as well as conduct statewide hearings to hear testimony from active EMS providers on current challenges and recommendations for system improvement. Based on the review of the studies and reports as well as the testimony received, comprehensive revisions to the EMS Act should be drafted and should include:

- Providing for a State EMS Commissioner
- Enhanced funding mechanism that takes into consideration the delivery structure

- Partnering with other state public safety agencies to eliminate duplication of services and reducing overall administrative costs
- Clear regulatory authority for the Department of Health and the EMS Commissioner

Establish a clear delineation of duties between the Department of Health, the Regional EMS Councils and the Pennsylvania Emergency Health Services Council.

**Status: COMPLETED**

## **RECOMMENDATION 6. VOLUNTEER FIRE SERVICE/VOLUNTEER AMBULANCE GRANT PROGRAM**

**Issue** – Continued positive impact of the Volunteer Fire Service/Volunteer Ambulance Grant Program

**Problem Statement** – No funding has been appropriated to administer the VFSVASGP. The Fire Commissioner has had to take monies from his budget to subsidize the administration of this program, thus taking away from other programs the Commissioner is responsible for. The Grant Program, while adequate in 2004, will not have the same purchasing power as time passes.

**Resolution** – The legislature should provide for permanent funding so that the grant program can be administered in an efficient manner, without taking monies from other much needed emergency services programs. The Grant Program should become permanent with an increase every other year, starting in 2006. This increase should be tied to the Consumer Price Index.

**Status: Act 45 rewrite COMPLETE**

## **RECOMMENDATION 7. TAX RATE MODIFICATION FOR EMS - LOCAL**

**Issue** – Permit modification of the local taxing rate to 3 mills for fire and EMS. (Higher than 3 mills would still require voter approval)

**Problem Statement** – One funding mechanism (basic tax rate in a community) is in place but is not used effectively.

**Resolution** – This would be a small advancement for most services. The ability for municipalities to levy separate taxes up to 3 mills for either fire or EMS is a substantial change, and could provide the necessary funding to eliminate shortfalls. There are no direct costs to current government spending, although modification to legislation is necessary.

**Status: COMPLETE**

*LEGISLATION PASSED IN 2004, HB248, HB249, HB250 (ACT 123, 223, AND 224)*

## **RECOMMENDATION 8. AUTHORIZE/ENABLE REGIONAL FIRE/EMS BOARD/DISTRICTS/AUTHORITIES**

**Issue** – Establish legislation to authorize fire and EMS Regional Boards/Districts/Authorities, which would provide an optional organizational structure and consistent revenue generating system.

**Problem Statement** – Fire and EMS agencies have been limited in their organizational development as a result of antiquated organizational designs, in many cases dating back to the 18<sup>th</sup> Century. To assure a community or region can effectively organize its delivery system, options to the traditional systems must be available. Currently in Pennsylvania the options available include:

1. A municipality can have its own service system
2. A municipality can contract from a neighboring community
3. A municipality can join forces with neighboring communities to develop a joint or regional system
4. A city can have its own service system

However, in a number of states including: New Jersey, New York, Florida, and Colorado a municipality maintains the authorization to create a regional delivery district, which is empowered to establish a tax or assessment rate to meet the defined delivery system for that particular area.

**Resolution** – To facilitate the opportunity for optional organizational designs, establish alternative funding systems with dedicated revenue, and ensure deployment programs in the best interest of the people, draft legislation that would permit Fire/EMS Regional Boards, Fire/EMS Authorities and Fire/EMS Districts to be established in Pennsylvania, if certain criteria are established, met and agreed to by the public. There are no anticipated costs associated with this process, however, municipalities may have to raise taxes, or these boards, authorities or districts may have to levy assessments to cover the cost.

**Status: NO ACTION. Much of this recommendation can be achieved by signing an Inter Municipal Agreement**

## **RECOMMENDATION 9. ESTABLISH/PERMIT A SERVICE LONGEVITY PROGRAM**

**Issue** – One of the most pressing problems we face in our communities is the decline in the ranks of our emergency volunteers. Benefits that directly affect volunteers are most visible and positively impacting on those volunteers. One such program would be to establish a state based retirement program and enable organizations to use Act 84 monies for qualified LOSAP (Length of Service Award Programs).

**Problem Statement** – Legislation is needed to provide incentives to retain dedicated volunteers we already have and to attract the next generation of volunteers.

**Resolution** – This is one of several incentives designed to support volunteerism. Legislation needs to be drafted to achieve this issue. There is a cost associated with this, however, this program can be a self-funding or community funded program and can be supported as well by Act 84 monies.

**Status: PROGRESS.**

**SB 1097 and HB 1717 have been introduced.**

## **RECOMMENDATION 10. MUTUAL AID AGREEMENT MODEL**

**Issue** – There is no clear model or guideline provided in Pennsylvania statutes to define mutual aid or mutual aid agreements, or when they are appropriate.

**Problem Statement** – Mutual Aid is widely practiced in Pennsylvania without written agreements or in some cases appropriate immunities/definition of responsibility. The results are regular and open questions regarding liability, municipal disputes, un-dispatched assistance, and workers compensation.

**Resolution** – Legislation is needed to provide a framework for emergency services mutual aid.

**Status: COMPLETE**

## **RECOMMENDATION 11. EDUCATION TUITION CREDIT**

**Issue** – One of the most pressing problems we face in our communities is the decline in the ranks of our emergency volunteers. Benefits that directly affect volunteers are most visible and positively impacting on those volunteers. One such program would be to establish a tuition credit for volunteer firefighters and EMS personnel who are continuing their higher education at a facility of the State University System or the community college system.

**Problem Statement** – Volunteers receive no salary or benefits for their contribution to the state, saving a projected “billions” in tax dollars annually. Many such fire and EMS volunteers leave the state to attend colleges elsewhere, ultimately leaving the state. By providing even a partial credit on tuition, and establishing a structured educational process statewide for the fire and EMS profession, it would help recruitment, retention and ultimately save the state money.

**Resolution** – Through the Pennsylvania State University System and the Community College System, provide for reduced tuition/credit for volunteer fire and EMS personnel, to an established maximum credit. Legislation is necessary to achieve this recommendation. There would be costs associated with this, however, once an appropriate dollar amount is determined to pay for these students, that amount can be divided among the total number of out-of-state students in the Pennsylvania State University System/Community College System, and added as an out of –state student increase. An appropriate level is considered the cost of one course per semester per student, and they must maintain active service for the year after they complete the course(s) with a passing grade of C or better. This would apply to undergraduate courses only.

**Status: ACTION STARTED**

Many bills have be introduced but none have moved.

## **RECOMMENDATION 12. BUSINESS TAX CREDIT FOR SUPPORTING VOLUNTEER FIRE/EMS STAFF**

**Issue** – One of the most pressing problems we face in our communities is the decline in the ranks of our emergency volunteers. Benefits that directly affect volunteers are most visible and positively impacting on those volunteers. Providing a tax credit to businesses who permit



volunteers on their staff to respond to calls or attend training during working hours would provide additional support to our volunteer system of emergency response.

**Problem Statement** – Legislation is needed to provide incentives to retain dedicated volunteers we already have and to attract the next generation of volunteers.

**Resolution** – This is one of several incentives designed to support volunteerism, and legislation needs to be drafted. There is a cost associated with this; however, projections can only be made after the type and extent of tax credit is defined.

**Status: ACTION STARTED**

**HB 161 provides an employer tax credit**

### **RECOMMENDATION 13. PUBLIC SAFETY SERVICE FEE**

**Issue** – Authorize the local levy of a municipal public safety service fee to offset the costs of providing services to resident and non-resident workers.

**Problem Statement** – Many Pennsylvania communities are regional centers that house employers, schools, hospitals, non-profit entities and government offices. A large number of the people that work in these communities live in another municipality and leave at the end of the day. While in the community in which they work however, they use services and have an expectation of the services being available. Public safety services include police, fire, emergency medical services, code enforcement and related safety equipment and infrastructure. The cost of providing these services continues to rise on an annual basis and the ability to pay for the services is becoming increasingly difficult.

**Resolution** – Amend Act 511 of 1965, the Local Tax Enabling Act, to allow for the local levy of a municipal public safety service fee of \$52 per year on resident and non-resident workers. This fee takes the burden of increased property taxes off the retired or low-income property owner and places it on the working population, who are more likely able to afford the fee. Any such fee proposal should require repeal the Occupational Privilege Tax in those municipalities that decide to levy the fee.

This can be one revenue stream to help fund recruitment and retention initiatives.

**Status: COMPLETED**

**Local Services Tax LST**

*SB218 WAS INTRODUCED IN 01/08 AND WE WERE ABLE TO GET 25% OF FUNDS COLLECTED MANDATED FOR FIRE/EMS/POLICE EXPENDITURE ONLY, BILL PASSED AND WAS SIGNED BY GOVERNOR 06/07*

### **RECOMMENDATION 14. PERMIT DIRECT REIMBURSEMENT TO EMS AND FIRE AGENCIES**

**Issue** – Enable any agency with the authority to charge to receive direct reimbursement from insurers.

**Problem Statement** – Insurance Companies reimburse patients (their insured) directly for medical services rendered, to then pay service providers (fire/EMS agencies). The money is not

always received by the emergency response agency, or is received late, placing financial challenges on the emergency provider. This can ultimately affect the delivery of service and ultimate payment an insurer makes.

**Resolution** – The same system used to compensate physicians and hospitals should be used to pay Fire and EMS agencies on a direct basis. Legislation would be required, and there may ultimately be gains in the cost structure as less follow-up activity on the part of insurers and Fire/EMS agencies would be necessary.

**Status: COMPLETE**

*HB 347 provides for direct pay .The bill could be stronger.*

## **RECOMMENDATION 15.**

### **ESTABLISH POSITION OF EMS COMMISSIONER**

**Issue** - Unlike other states, Pennsylvania does not have a “fire-based” EMS system. In fact, public safety in Pennsylvania is a 3-system delivery model consisting of law enforcement, fire, and emergency medical services. Although there is a Police Commissioner and a Fire Commissioner who report directly to the Governor’s office, there is no EMS Commissioner.

**Problem Statement** - EMS practitioners and providers need to have an advocate in state government. The EMS Office is buried within the bureaucratic structure of the Department of Health and as a result of that agency’s divergent issues, important issues affecting the EMS system are often overlooked.

**Resolution** - Short term, the Governor should issue an Executive Order creating the Office of the State EMS Commissioner using similar verbiage as was done for the Homeland Security Office. The long term solution is for the establishment of an Office of EMS Commissioner and related provisions for that office. This office could be housed within the Department of Health and report directly to the Secretary; however, like the Fire Commissioner’s Office, the Office of EMS Commissioner should have access to the Governor’s Office when needed.

**Status: NOT COMPLETE**

## **RECOMMENDATION 16.**

### **EXPAND STATE CONTRACT FOR FIRE/EMS EQUIPMENT**

**Issue** – Expand the state contract purchasing capability for Fire and EMS equipment, apparatus and supplies by supporting the further development and maintenance of this program.

**Problem Statement** – There are several purchasing contracts available for fire and EMS agencies to procure products utilizing state contracts. It is not well known, however, and not well accessed. While this system could be more efficient for volunteer agencies to order needed equipment, and ultimately cheaper, a better system needs to be in place to assist the Fire and EMS community. Also, a mechanism to add fire and EMS vehicles to this list is needed.

**Resolution** – The Department of General Services, Pennsylvania Council of Governments, and the Pennsylvania Fire and Emergency Services Institute should be charged with the expansion of a Fire and EMS purchasing process, list, and expanded choices (including basic ambulances, pumpers, and aerials) for use by Pennsylvania Fire and EMS agencies. This should be web-based and also offer the opportunity for municipalities to offer used equipment for sale.

**Status: COMPLETED**

***FIRE/EMS ORGANIZATIONS GIVEN DIRECT ACCESS TO PA STATE COSTARS SYSTEM AND STATE CONTRACT PURCHASING BY DEPARTMENT OF GENERAL SERVICES AND GOVERNOR APPROVAL***

***SPECIAL CONTRACT AND ONLINE ACCESS TO FIRE/EMS PURCHASING DATA BASE ESTABLISHED WORKING WITH PFESI SPECIAL TASK FORCE***

***HB105 (ACT 153 OF 2006) MADE THE PROGRAM PERMANENT IN LAW AND ESTABLISHED A REVIEW PROCESS TO UPDATE DATA BASE***

## **RECOMMENDATION 17.**

### **REIMBURSE CITIES FOR CAREER FIRE STAFF TRAINING**

**Issue** – Provide reimbursement to cities for career staff Fire and EMS training.

**Problem Statement** – Law enforcement has successfully used a similar system to enhance the delivery of law enforcement services in the Commonwealth. Fire and EMS have not been granted this opportunity in these cities. The career staffing needs proper and adequate training in this post 9-1-1 environment.

**Resolution** – HB 767 already exists and has passed the House; however the Senate Veterans Affairs and Emergency Services Committee has not moved it. This program will, like the similar law enforcement program, establish training standards of performance for the cities affected, while training their staff for domestic response capabilities. There is a \$2,000,000 cost associated with this proposal, which is allocated from the General Fund in current legislation.

**Status:** NOT COMPLETE

## **RECOMMENDATION 18.**

### **BILLING SERVICES**

**Issue** – Expand the ability for fire and EMS agencies to bill for incidents other than medical and hazardous materials.

**Problem Statement** – Fire departments, rescue squads and EMS agencies respond to incidents on highways that are created by “transient vehicles” through the community. The taxpayers/supporters of local fire/EMS agencies fund the burden of providing the services and receive no benefit from these “transient vehicles.” If services are to be provided, then a service fee should be allowed to be collected. As with any other impact fee upon a community, fire and EMS agencies should be able to provide for these services (e.g. fire suppression, rescue, spill control, fire police services, and law enforcement/coroner support). Given the current funding gaps of volunteer fire and EMS agencies, this provides an opportunity to create a new revenue stream that would not burden local taxpayers, but focus on those who create the problem paying for the resolution to the problem. In many cases, these expenses are covered by the insurance provider of the generator of the problem. In addition, these fees are no different than the cost of replacing telephone poles or repairing wires or highway conditions, which are borne by the person creating the emergency response by the utility or government agency. Insurers have commented that they will not pay these types of claims unless statutory processes are in place to enable billing for and require such payment.

**Resolution** – Develop and pass legislation that would enable fire and EMS agencies to bill for the services as noted above. Discussions, debate and testimony should determine if there are

other similar services that can be “billed for.” Standardized rates for fire service delivery, statewide, should be a part of the legislation. Legislative changes are necessary and it is suggested to identify legislators who have departments most affected by this (e.g., West Conshohocken, Montgomery County, Bellefonte, Centre County) to serve as primary drafter/sponsor of the legislation. As long as proposed fees are reasonable, they will be within tolerable loss expectations of insurance carriers and not pose an undue burden on them.

**Status: SOME PROGRESS**

***WHILE NO STRUCTURED SYSTEM EXISTS, LOCAL COMMUNITIES HAVE SUCCESSFULLY PASSED ORDINANCES TO ENABLE BILLING AT LOCAL LEVEL***

***HB 1272 allows billing for emergencies***

## **RECOMMENDATION 19.**

### **VOLUNTEER LOAN ASSISTANCE PROGRAM RESTRUCTURING**

**Issue** – The Volunteer Loan Assistance Program should be restructured.

**Problem Statement** – Currently, the Volunteer Loan Assistance Program provides funding with minimal criteria. While it has been a well-used and well received program, and functions very efficiently; however, the criteria for funding, and limitation on incentives for regionalization of services is not consistent with needs of the 21st Century as some fire companies cannot meet the criteria or municipalities and fire/EMS agencies are not using this method to incent or support consolidations and mergers.

**Resolution** – Reform is necessary to determine how the funds should be used, how they should be distributed, and how the program is defined. Inherent with any structural modification or apparatus purchase should be the reference to a risk assessment that supports the need, while providing limitations and criteria for the purchase of heavy rescues, aerials, and hazardous materials vehicles. In addition, to encourage consolidation and regionalization of services, the system should be redefined to better incent for proactive and constructive (behavior) change, enabling more money to be available for consolidating organizations at lower rates, and be based on needs, not wants.

**Status: SOME PROGRESS**

**The amount that can be borrowed has doubled and the repayment period has been increased. No action has been taken on proving need.**

## **RECOMMENDATION 20.**

### **REGIONAL EMERGENCY SERVICE CONSULTANT**

**Issue** – Establish at a regional (or county level if appropriate) level a position of Regional Fire/EMS Service Consultant to assist agencies in the multitude of management required tasks being placed on fire officials.

**Problem Statement** – Fire Department and EMS Managers are required to do too many management tasks and conduct extensive training in today’s volunteer system. The technical capabilities and managerial tasks require consultation on many issues. In addition, apparatus is being purchased, buildings constructed, and service systems established without the benefit of risk assessment and in some cases municipal coordination. This makes overall funding more difficult as well as the creation of conflicts.

**Resolution** – Establish a Regional (or County) level position for a consultant to local Fire Commissioners, Presidents, Fire Chiefs, EMS Managers, etc. for items involving recordkeeping, fire suppression counseling, urban search and rescue, report filing, grant development, PENNFIRS reporting, training program coordination, recruitment and retention, legislative changes, etc. This may be fundable through the Federal SAFER Act and/or may be modeled after the New York Office of Fire Safety Services system.

**Status: NO ACTION**

## **RECOMMENDATION 21.**

### **CREATE A PERMISSIBLE BENEFITS SPENDING PROGRAM**

**Issue** – Create the opportunity for a “Permissible Benefits Spending Program” that brings value to the members of the organization.

**Problem Statement** – Benefits are only of value to an individual if they mean something to an individual. What benefits an 18-year old, will probably not be perceived the same as a 35-year old with two children, or a sixty year old 35 year veteran. Each organization must develop its own benefit system.

**Resolution** – Funding systems should incent organizations who inventory on a periodic basis what members seek in benefits and provide more funding to those who have a defined plan to recruit and retain members. This can be made part of Act 84 Reform to permit up to \$575 per person in a “qualified plan”. Other initiatives may be made part of this, such as participation in a credit union and the development of a reduced rate home mortgage.

**Status: NO PROGRESS**

## **RECOMMENDATION 22.**

### **PROVIDE HEALTH CARE BENEFIT PROGRAM OPPORTUNITY**

**Issue** – One of the most pressing problems we face in our communities is the decline in the ranks of our emergency volunteers. Benefits that directly affect volunteers are most visible and positively impacting on those volunteers. One such program would be to establish the opportunity for volunteer and non-profit firefighters and EMS personnel who are in need of health care insurance to participate in the State’s health care program.

**Problem Statement** – Volunteers receive no salary or benefits for their contribution to the state, saving a projected “billions” in tax dollars annually. Many such fire and EMS volunteers leave who are young, or are self-employed, and have no opportunity to group health care coverages. The state provides a health care program for its employees. Volunteer fire and EMS personnel, although technically providing services to the state and local communities cannot participate in the program, even if they pay for it themselves.

**Resolution** – Develop and pass the legislation to provide the opportunity for volunteer and non-profit fire and EMS personnel (including family benefits) who are in need of health care insurance to obtain it through the state’s health care system. The individuals could fund this themselves, or Act 84 monies could be used to provide some of the benefit to the volunteer. (This would require modification to Act 84 as well.)

**Status: NO PROGRESS**

**RECOMMENDATION 23.**  
**STATE LEGISLATURE SHOULD ELIMINATE UNNECESSARY**  
**ADMINISTRATIVE REPORTING REQUIRED OF FIRE AND EMS**  
**ORGANIZATIONS**

**Issue** – Various State Agencies currently require Volunteer Fire and EMS and related organizations to comply with state regulations and reporting requirements that they place unilaterally on all nonprofits. These requirements are set to insure the integrity of the system, but the problems attempting to be addressed do not appear to exist in the Volunteer Fire and EMS community. Agencies generally agree but explain that the law covers all non-profits. These requirements place a burden on the already overloaded providers and produce little or no known value to the system.

**Problem Statement** – Examples:

1. The Charitable Registration Law requires all Fire and EMS organizations to register and comply with solicitation requirements. If the providers received over \$125,000 in solicited funds, an audit is required. Since all nonprofit auditors must participate in an expensive peer review process, audits cost between \$5,000-\$7,000. This cost only increases the cost of delivery of services to the community. Also, if a filing is late, a \$25.00/day late fee applies that cannot be eliminated by the department because of the language in the legislation.
2. An organization is now required to file through the court system to include a paragraph about dissolution of the organization in its articles of incorporation to renew its state tax exemption despite the fact that it has been incorporated for almost 100 years, been tax exempt for years, and having said language in its by-laws.
3. Audits of Relief organizations are required every two years, even if the audit findings do not find any significant problems.
4. Currently, the Pennsylvania State Police charge volunteer fire and EMS agencies \$10 for each criminal history checks of new volunteers. There is limited actual time required to conduct these, and while the charge may be appropriate for non-emergency service agencies, the fee should not be charged for volunteer fire and EMS providers.

**Resolution** – A review of existing state legislative reporting requirements for Fire and EMS related organizations:

1. To insure that the reporting is necessary.
2. Determine methodologies to eliminate unnecessary and burdensome reporting requirements.

**Status: PROGRESS**

*SB375 PERMANENT TAX EXEMPTION FOR RELIEF ASSOCIATIONS, SENATE APPROPRIATIONS COMMITTEE 06/07*

## Appendix 5: Recent Legislative Action Related to Fire/EMS



### Measures to support our firefighters

***School District/Community College Training Partnerships:*** Several community colleges are partnering with local schools to offer courses for those students who would like to become first responders. We plan to replicate these partnerships through a pilot program.

**\*SB 955 (Vulakovich) passed Senate/referred to House Education.**

***College Loan Forgiveness for First Responders:*** In the 1970's, Pennsylvania had 300,000 volunteer fire fighters. Unfortunately, our most recent estimate totals a mere 50,000. Like the nursing shortage in the 1990's, we believe that providing college loan forgiveness to volunteer first responders will help attract and maintain more individuals to this calling.

**\*SB 72 (Greenleaf) introduced and referred to Senate Education.**

**\*HB 1224 (Sainato) introduced and referred to House Veterans Affairs & Emergency Preparedness.**

***Full-Time Equivalency – Community College Training Funding:*** Restoration of dedicated state funding for training for Fire and EMS personnel.

**\*Rep. Day to circulate Cosponsor Memo.**

***Online Training:*** First responders go through an inordinate amount of training. Directing the State Fire Commissioner to establish online training for non-hands-on training will save fire companies and first responders a great deal of time and money.

**\*HB 542/Act 43 of 2017 provides funding for Fire Commissioner for Online Training.**

**\*SB 1019 (Vulakovich) & SB 1079 (Brooks) would make career fire eligible. Both were reported from Senate Veterans Affairs & Emergency Preparedness.**

***Employer Tax Credits for Firefighters:*** Encourages employers, through tax credits, to permit employees who are active volunteers to leave work, with pay, in response to an emergency or to participate in training.

**\*HB 1600 (Knowles) introduced and referred to House Finance.**

***CPAs and Fire Companies:*** Establishes a four-year continuing professional education pilot program that provides credits to certified public accountants who assist volunteer fire companies with their financial records.

**\*HB 430 (R. Brown) introduced and referred to House Professional Licensure.**

***PTSD Training:*** In an effort to curb the growing problem of suicide within the first responder

community, we are creating an Emergency Workers Mental Health Commission. Additionally, we would like to combat the effects of PTSD in our first responders, directly at the source through counseling and require post-traumatic stress disorder training for all first responders.

**\*HB 2508 (Schlossberg/Farry) introduced and referred to House Veterans Affairs & Emergency Preparedness**

***Fire Company Billing:*** Authorizes volunteer fire companies to bill for “actual and reasonable costs,” which does not include manpower. This would allow fire companies to recoup the costs for responding to emergencies.

**\*Sen. Vulakovich issued cosponsor memo.**

**\*HB 183 (Dush) introduced and referred to House Veterans Affairs & Emergency Preparedness**

***Use of Fire Relief Funding:*** Expands the allowable uses of relief monies for mini-retirement programs, known as Length of Service Award Programs (LOSAP).

**\*SB 575 (Dinniman) reported from Senate Veterans Affairs & Emergency Preparedness.**

**\*HB 1061 (Farry) introduced and referred to House Veterans Affairs & Emergency Preparedness.**

***Fire Relief Fund Administration:*** Would empower the State Fire Commissioner to oversee Fire Relief Fund administration, a duty currently held by the Auditor General. The Auditor General was charged with this duty prior to the creation of the State Fire Commissioner.

**\*Sen. Vulakovich working through issue with Auditor General and Fire Commissioner.**

**House Bill 1061 (Farry) introduced and referred to House Veterans Affairs & Emergency Preparedness.**

***Review of the Statewide Insurance Fund:*** Since the enactment of the Cancer Presumption Law, the Statewide Insurance Fund has become the de facto insurer of municipalities/fire companies and the complaints have been numerous. Hearings to explore this issue will be held.

**\*SB 1221 (Vulakovich) introduced and referred to Senate Labor & Industry.**

**\*HB 2522 (Farry) introduced and referred to House Veterans Affairs & Emergency Preparedness.**

***Volunteer Loan Assistance Program (VLAP):*** It is our intent to open up this program to career fire companies (two-percent low interest loans for buildings, apparatus and equipment).

**\*House to introduce legislation.**

## **Measures to support EMS organizations**

***Treat, no Transport:*** Require insurance companies to reimburse EMS agencies for services provided, even if transport to a hospital does not take place. Currently, if an EMS company does not transport, it does not receive any reimbursement for any services provided.

**SB 1003 (White) was unanimously passed by the Senate and referred to House Insurance.**

**\*HB 1013 (Barrar) was unanimously passed by the House and Senate and has been presented to the Governor for his signature.**

***MA Reimbursement:*** Medical Assistance reimbursements are well below the cost to provide EMS and many commercial insurers reimburse at the Medicare level or slightly above. MA reimbursement is below Medicare rates as well. Payment policies should be changed to reflect the evolving and beneficial nature of EMS.

**\*HB 699 (Causer) was unanimously passed by House and referred to Senate Health & Human Services.**



***EMSOF Fine Increases:*** Increase the \$10 and \$25 fines that support the Emergency Medical Services Operating Fund. There has been no uniform increase in either fine since 1985, yet this revenue provides 30 percent of the money utilized for the training of EMTs and paramedics in rural regions that are identified as underserved and struggling areas.

**\*HB 400 (Causer) introduced and referred to House Veterans Affairs & Emergency Preparedness.**

***Realign the \$30 million Fire/EMS Grant Program:*** Under the \$30 million Fire and EMS Grant Program, EMS organizations receive 12 percent and fire companies receive 88 percent of the funding. Should additional funding be secured, more parity will be sought for EMS.

**\*House to introduce legislation.**

## Appendix 6: Votes Taken on Recommendations

On September 19, 2018, the Senate Resolution 6 Commission met in Rom 140 (Senate Majority Caucus Room) of the Main Capitol to review the individual recommendations made by the six subcommittees and Co-Chairman Vulakovich.

In attendance were:

Sen. Randy Vulakovich (Co-Chair)

Rep. Steve Barrar (Co-Chair)

Ron Jumper (served as the designee for Sen. Costa for the Senate Fire Caucus and carried Sen. Costa's proxy)

Mike Hillman (carried Rep. Sainato's proxy)

Diane McNaughton (carried Sen. Brooks' proxy for the Senate Fire Caucus)

Rep. Frank Farry

Rep. Dom Costa

Bruce Trego (Acting Fire Commissioner)

Dylan Ferguson (Director of EMS)

Mark Hamilton (County Commissioners Association of PA)

Peter Melan (PA Municipal League)

Bill Rossey (PA State Association of Boroughs)

Amy Sturges (carried John Kuntzelman/PA State Association of Township Commissioners proxy)

Shirl Barnhart (PA State Association of Township Supervisors)

Steve Bair (PA Council of Governments)

Don Konkle (PA Fire & Emergency Services Institute)

James Carstater (Fireman's Association of State of PA)

Ed Mann (County Fireman's Association – Central)

Beau Crowding was not in attendance; however, he submitted his voting wishes in advance (County Fireman's Association – East)

Greg Jakubowski (County Fireman's Association – Southeast)

Joel Landis was not in attendance; however, he submitted his voting wishes in advance (PA HAZMAT)

Bill Jenaway (Fire Chief – Senate Appointment)

Frank Zangari (Fire Chief – House Appointment)

John Bast (Career Chief – House Appointment)

Dave Jones (PA Emergency Health Services Council)

Don DeReamus (Ambulance Association of PA)

Jeff Gooch (Senate Appointment)

Jerry Ozog (Senate Appointment)

Josh Wiegand (Senate Appointment)

Chas McGarvey (House Appointment)

Steve McKinniss was not in attendance; however, he submitted his voting wishes in advance for the EMS Report ONLY (House Appointment)

Kraig Nace (House Appointment)

Those not in attendance – or without proxies included:

Barry Albertson (Senate Appointment)

Jay Delaney (PA Career Fire Chiefs)

Kim Holman (House Appointment)

Daryl Jones (Career Chief – Senate Appointment)

Art Martynuska (PA Professional Firefighters Association)

Harold Whyel (County Fireman’s Association – West)

Overall, all 92 recommendations were agreed upon – with the following recommendations receiving one or more NO votes:

\*Under the Innovation Subcommittee Report

#### 1. Sprinkler Requirements

A. Adopt the building/fire/residential codes as is by Senate/House Statute.

On the initial vote, Sen. Brooks was the lone NO vote. Upon a re-vote/roll-call vote, there were 8 NO votes – Shirl Barnhart, Sen. Brooks, Sen. Costa, Rep. Costa, Ron Jumper, Peter Melan, Kraig Nace, and Rep. Sainato. Amy Sturges had left the meeting prior to the vote and is considered “not voting.” Steve McKinniss only provided votes for the EMS report and is considered “not voting.”

B. Adopt rules/regulations prohibiting water purveyors from requiring a separate water feed line for fire sprinklers in 1 and 2 family dwellings

On the initial vote, Sen. Brooks was the lone NO vote. Upon a re-vote, Sen. Brooks remained the lone NO vote.

C. Adopt rules/regulations prohibiting water purveyors from charging a standby fee for fire protection for any sprinklered building.

On the initial vote, Sen. Brooks was the lone NO vote. Upon a re-vote, there were NO negative votes.

\*Regulation & Codes Subcommittee Report

6. New Residential Construction/Fire Sprinklers

A. Require adoption of the 2015 International Residential Code with no deletion of the sprinkler requirement.

8 NO votes – Shirl Barnhart, Sen. Brooks, Sen. Costa, Rep. Costa, Ron Jumper, Peter Melan, Kraig Nace, and Rep. Sainato. Amy Sturges had left the meeting prior to the vote and is considered “not voting.” Steve McKinniss only provided votes for the EMS report and is considered “not voting.”

B. Pass legislation giving local municipal leaders the ability to pass sprinkler ordinances with no challenges at the state level.

One NO vote – Sen. Brooks.

C. Call on the General Assembly to review the Review and Advisory Council (RAC) that was created the PA Construction Code Act.

One NO vote – Sen. Brooks.

## Appendix 7: Reports and References

### Reports

Governor's Commission on Fire Prevention and Control, *Pennsylvania Burning*, (March 1976).

Senate Resolution 2003-60 Commission, *Report to the Senate of the Commonwealth of Pennsylvania*, (November 2004).

Legislative Budget and Finance Committee, *The Feasibility of Regionalizing Pennsylvania's Volunteer Fire Companies*, (June 2005).

The Center for Rural Pennsylvania, *Volunteer Firefighter Recruitment and Retention in Rural Pennsylvania*, (May 2006).

U.S. Fire Administration, *Retention and Recruitment for the Voluntary Emergency Services*, (May 2007).

Center for Rural Pennsylvania, *Survey of Emergency Management and Preparedness Agencies in Pennsylvania's Rural Counties*, (July 2010).

Firemen's Association of the State of Pennsylvania, *Recruitment and Retention Strategic Plan*, (2012).

West Virginia Office of the State Fire Marshal, *Comprehensive Report to the West Virginia Joint Committee Government and Finance Review and Recommendations on Volunteer and Part-Volunteer Fire Service*, (2016).

Center for Rural Pennsylvania, *The Financial Fitness of Volunteer Fire Companies*, (May 2016).

The National EMS Advisory Council, Innovative Practices of the EMS Workforce Committee, *National EMS Advisory Council Committee Report and Advisory*, (December 2, 2016).

Pennsylvania State Association of Township Supervisors, *Municipal Ideas for SR 6 Commission*, (August 2018).

### Statutes and Policies

Municipal Pension Plan Funding Standard and Recovery Act, Act 205 of 1984, as amended.

Emergency Medical Services Act, Act 45 of 1985 (repealed).

Continuing-Care Provider Registration and Disclosure Act, Act 82 of 1994, as amended.

Act 121 of 1988 (amending the Emergency Medical Services Act, Act 45 of 1985).

Emergency Medical Services System Act, Act 37 of 2009.

Act 118 of 2010 (Amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes).

HR 2018-315, PN 1643 (Adopted May 8, 2017).

Fire Prevention and Control Act, Powers, Duties and Authority of State Fire Commission and State Fire Marshal, W.Va. Code §29-3-9(i).

Certification and Evaluation of Local Fire Departments, W. Va. C.S.R. § 87-06 (2007).

West Virginia State Fire Commission, Requirements for West Virginia Fire Departments (effective October 22, 2014).

## NOTES

## NOTES

