



*City of Charleston*  
*South Carolina*

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MAYOR

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PUBLIC INFORMATION

**FOR RELEASE: December 3, 2007**

**CITY AND SC OSHA REACH SETTLEMENT**

*Charleston, South Carolina.* The City of Charleston announced today that it has reached an agreement with SC OSHA that reduces the fines and penalties issued on September 20, 2007 in regard to the fire of June 18, 2007. The City of Charleston had contested the citations and fines levied by OSHA after the tragic fire at which nine of the city's firefighters were lost. The city's contention was that the facts of the fire and state law do not support the issuance of the citations. The city announced today that it is pleased that OSHA has now eliminated and/or significantly amended all of the original citations and reduced the fines to the city by nearly two-thirds.

The settlement recognizes that the City has voluntarily undertaken a thorough and independent review of the fire protection services in the city, and based on that review, is implementing practices and procedures which go well beyond those currently required by state law or standard practices in the field of fire protection and firefighter safety. The agreement recognizes the city's intent to set a new standard for firefighter safety in South Carolina.

OSHA originally cited the City for failing to have a written policy regarding fighting fire in buildings with metal truss roofs. That citation has been withdrawn. OSHA had no regulation regarding metal truss roofs, nor was there a viable national standard requiring cities to have policies regarding metal truss roofs. After numerous inquiries, the City found no fire department in South Carolina which had a policy regarding metal truss roofs. The City has now implemented a policy regarding firefighting in buildings with metal truss roofs. That policy appears to be the first of its kind in South Carolina.

Of great importance is the elimination of the "willful" citation. OSHA had originally claimed that the City was "willful" by not having a written incident command system which it considered effective on the night of the fire. OSHA reduced that citation to "unclassified." The agreement recognizes that the City-commissioned Fire Review Team recommended strengthening policies, procedures and training on incident command even before the OSHA

citations. The City has been acting on those recommendations since August. The strengthening of incident command has been and is continuing to be enhanced to the highest possible level.

In addition, OSHA originally claimed that nine firefighters were not wearing appropriate protective gear on the night of the fire. The agency has now said that at least three firefighters were not wearing all safety gear and those three were not among those who perished. Further, OSHA originally claimed that the city failed to enforce the wearing of breathing apparatus by four firefighters who were near the fire. The agency has now said that at least three firefighters did not wear the breathing apparatus at all times, and those three were not among those who perished. The agreement also states that OSHA has made no findings or determinations regarding the cause of injury or death of any firefighter at the sofa superstore fire.

Additionally, the fines have been reduced substantially from \$9,325.00 to \$3,160.00.

In this agreement, OSHA recognized and respected the City's commitment to ensuring firefighter safety and to increasing standards when it downgraded most of its penalties and fines. Importantly, OSHA also acknowledged and expressed in this agreement that with the help of its nationally recognized team of fire experts, the City has and will continue to implement standards and practices which significantly exceed OSHA's mandated standards and which significantly exceed the current practices in the firefighting community.

Mayor Joseph P. Riley, Jr. said, "We are committed to bringing the City of Charleston Fire Department to a standard which achieves national best practices for the fire service. OSHA has amended all 4 of the original citations and lessened the charges and fines. As promised to OSHA, and because it's the right thing to do, the City will also offer its lessons learned to other fire companies in the state. When requested, the City will provide instruction to other fire agencies to assist in bringing those agencies up to the level that the City of Charleston Fire Department has already begun to achieve through vigorous training and practice as well as through changing some policies, procedures and equipment. Chief Thomas and the City remain committed to positive changes which will make Charleston Fire Department even stronger than it is today."

OSHA requires that the settlement document be posted for 15 days. The settlement is not final until it is reviewed and approved by the S.C. Occupational Health and Safety Review Board member assigned to this matter.

**FOR MORE INFO:**

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