

MEMORANDUM

TO: Charleston City Councilmembers

FROM: Joseph P. Riley, Jr., Mayor

DATE: August 21, 2007

As a part of my ongoing effort to keep you informed as to the progress of our response to the tragic Sofa Superstore fire of June 18, enclosed is another comprehensive report of our efforts to date. As I have noted in my earlier reports to City Council, you will observe that our response involves many City departments, and is the work of a large number of our wonderful City staff, including the dedicated members of our Fire Department. I continue to be impressed with their professionalism and perseverance as they continue to deal with this tragic fire.

This report includes information about the numerous investigations being conducted by government agencies from across our country but it also includes information about the City's own Post Incident Assessment and Enhancement Review Team, which gave us the interim report that I forwarded to you on Friday. There have been a number of changes recommended and implemented in the Fire Department as of today. The details of those changes are included here. We anticipate there will be additional recommendations forthcoming.

I have also included information in this report about our peer support and grief counseling program, which we have set up to serve the families of our fallen firefighters and their comrades in our Fire Department. My earlier reports to you detailed this program as well as our efforts to care for the families of the firefighters through the various benefit programs available to them, and enclosed is a further update on that as well.

As you can see, there is a tremendous amount of work going on both within and without the City in response to this fire and it is our belief that our affirmative response to the fire will make our Fire Department and City government even better and our City

even safer. Again, I want our City to reach as full as possible an understanding of this fire, and to evaluate our policies and procedures for areas of potential improvement. We are committed to acting quickly to implement improvements that will enhance firefighter and community health and safety.

INVESTIGATIVE ACTIVITY

As you know, there are numerous investigations of the Sofa SuperStore fire currently ongoing. These include law enforcement, safety and health and federal standards and technology. These investigations will produce findings that will include the cause and origin of the fire, any code violations, factors that contributed to firefighter deaths and recommendations for improvements in fire systems and operational response. A description of each investigation follows:

Joint Law Enforcement Investigation

This investigation is being conducted by the Federal Bureau of Alcohol Tobacco and Firearms, the State Law Enforcement Division, Charleston County Sheriff's Office and the City of Charleston's Police Department. Its focus is on determining the cause and origin of the fire.

National Institute for Occupational Safety and Health

NIOSH, the National Institute for Occupational Safety and Health, continues to actively investigate the incident. NIOSH is a non-regulatory federal agency within the Department of Health and Human Services, and is a Division within the Department of the Centers for Disease Control and Prevention.

The NIOSH Fire Fighter Fatality Investigation and Prevention Program (FFFIPP) conducts investigations of firefighter line-of-duty deaths to provide recommendations for preventing future deaths and injuries. The program focuses on learning from these and similar tragic events and providing information to the fire service in order to prevent such future events.

NIOSH's primary goals in investigating a fire fighter fatality are to better define the characteristics of line-of-duty deaths among firefighters, to develop recommendations for the prevention of deaths and injuries and to disseminate prevention strategies to the fire service.

The program uses the Fatality Assessment and Control Evaluation (FACE) model to conduct investigations of fireground and non-fireground fatal injuries resulting from a variety of circumstances, such as burns, falls, structural collapse, diving incidents and electrocutions. NIOSH staff also conduct investigations of selected non-fatal injury events. Each investigation results in a report summarizing the incident, and includes recommendations for preventing future similar events.

NIOSH staff with respirator expertise also assist with investigations in which the function of respiratory protective equipment may have been a factor in the incident. They

evaluate the performance of the self-contained breathing apparatus (SCBA) as a system and conduct evaluations of SCBA maintenance programs upon request.

NIOSH investigations begin at the time of notification of the fatality, either through the United States Fire Administration (USFA), local fire department representatives, the International Association of Fire Fighters (IAFF), or the State Fire Marshal's Office. NIOSH conducts investigations of both career and volunteer fire fighter line-of-duty deaths. NIOSH investigators will review all applicable documents (e.g., department standard operating procedures, dispatch records, the victim's training records, the victim's medical records, (where applicable), coroner/medical examiner's reports, death certificates, blueprints of the structure, police reports, photographs, and video). Additionally, investigators interview fire department personnel and fire fighters who were on the scene at the time of the incident. NIOSH typically enlists the assistance of other experts with the National Institute of Standards and Technology for fire growth modeling. Once the investigation is completed, NIOSH will summarize the sequence of events related to the incident and prepare a draft report. Each department involved will have the opportunity to review their portions of the report in draft form to ensure that it is technically accurate. The report will then be finalized with the addition of recommendations for preventing future deaths and injuries under similar circumstances. In selected cases, NIOSH also enlists the assistance of subject matter experts to review complete draft reports. Once the fire department has received the final copy of the NIOSH incident report, it is made available to the public.

As you are aware, NIOSH investigators arrived on scene within days of the fire incident, and performed a thorough site investigation of the fire scene. NIOSH investigators then began the interview process with all fire personnel who were involved with the June 18th incident in any capacity, reviewing training records and as well as policies and procedures of the Charleston Fire Department. As of this writing, NIOSH has not completed the interview phase of their investigation, and plan to continue interviewing personnel as needed.

National Institute of Standards and Technology

The National Institute of Standards and Technology is a non-regulatory federal agency within the U.S. Department of Commerce. NIST focuses on promoting innovation by advancing science, standards, and technology in ways that enhance economic security and improve quality of life and matters of safety.

NIST Laboratories conduct research that advances the nation's technology infrastructure and is needed by U.S. industry to continually improve products and services.

The Fire Research Division develops, verifies, and utilizes measurements and predictive methods to quantify the behavior of fire and the means to reduce the impact of fire on people, property, and the environment. Their investigations involve integration of laboratory measurements, verified methods of prediction, and large-scale fire experiments to demonstrate the use and value of the research products. Focused research

activities develop scientific and engineering understanding of fire phenomena and metrology; identify principles and produce metrology, data, and predictive methods for the formation/evolution of smoke components in flames and for the burning of polymeric materials; and develop predictive methods to enable high-performance fire detection and suppression systems. Through the Fire Research Division's programs in measurement, prediction, systems integration, and the dynamics of fire and its interactions with the built and natural environment, the division provides the theory and practice of fire safety engineering, fire fighting, fire investigation, fire testing, fire data management, and intentional burning.

The Fire Fighting Technology group enables advances in fire fighter safety, fire ground operations, and effectiveness of the fire service, develops and applies technology, measurements and standards, and improves the understanding of the behavior, prevention and control of fires to enhance fire fighting operations and equipment, fire suppression, fire investigations, and disaster response.

NIST investigators arrived on scene within days of the fire incident, and performed exhaustive site investigations of the fire scene. After completing their site investigative work, NIST investigators began their interview process with all fire personnel who were involved with the June 18th incident, reviewing training records and as well as policies and procedures of the Charleston Fire Department. As of this writing, NIST investigators have not completed the interview phase of their investigation, and plan to continue interviewing personnel as needed.

NIST investigators are working closely with NIOSH investigators in investigating the events of June 18th and NIOSH will utilize NIST's fire model as a major component of their research documentation and findings.

South Carolina Occupational Safety and Health

SCOSHA, the South Carolina Office of Occupational Safety and Health, a Division of the South Carolina Department of Labor, continues to actively investigate the incident. South Carolina is one of 23 states which administer its own occupational safety and health program through an agreement with the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

SCOSHA investigates all workplace fatalities that occur within the State of South Carolina, and performs those investigations to determine what, if any, violations of standards or compliance may have occurred. SCOSHA, being a regulatory agency within the State of South Carolina, has the statutory authority to require employers to provide written programs and policies, provide training, and issue citations against employers who lack components of required standards.

SCOSHA investigators arrived on scene within hours of the fire incident, and performed thorough site investigations of the fire scene. SCOSHA investigators began their interview process approximately 2 weeks after the fire incident with fire personnel who were involved with the June 18th event. Investigators have reviewed prior incident

documentation, training records as well as policies and procedures of the Charleston Fire Department.

SCOSHA indicates that they have completed the onsite investigation portion of the investigation.

US Fire Administration Case Study

The federal US Fire Administration, in cooperation with the Charleston Fire Department and other agencies, will develop a case study of the Sofa SuperStore fire to share with other fire departments across the country as a valuable educational tool.

A division of the Department of Homeland Security's Federal Emergency Management Agency, the mission of the USFA is to reduce life and economic losses due to fire and related emergencies, through leadership, advocacy, coordination and support. They act in coordination with other agencies and in partnership with fire protection and emergency service communities. They provide public education, training, technology, and data initiatives.

I will notify you immediately as to any significant changes in the status of any of these investigations or when any information by the investigating entities is released.

POST-INCIDENT ASSESSMENT AND ENHANCEMENT REVIEW TEAM

As you know, in addition to the myriad of investigations that are underway, I decided not to wait to implement immediate changes if we could identify areas for improvement. To that end, I announced the Post Incident Assessment and Enhancement Review Team, led by Chief J. Gordon Routley, on July 20. The team is assessing procedures related to the City's fire safety systems, fire procedures and practices, and critical incident response to develop a strategic action plan that the fire department, City departments and City leadership will implement as soon as possible. An interim report was delivered to me on Friday morning, and we announced the recommendations immediately. I sent those recommendations to you on Friday, but they are also listed below. Any and all further recommendations and reports from the team will be made available to you and the public.

Chief Thomas is now moving swiftly to implement the recommendations. Yesterday, he announced the appointment of two of the three new staff-level positions recommended by the Review team. Battalion Chief Robert O'Donnell was named to the new position of Assistant to the Fire Chief. His duties will include assisting Chief Thomas with planning, organizing and directing various aspects of department operations, including coordinating training, staying abreast of new trends or advances in the profession, and assisting the Chief in formulating and administering departmental policies and procedures. Chief O'Donnell will also assist Chief Thomas in fully implementing the recommendations of Chief Routley's fire review team.

Chief Thomas also appointed yesterday Battalion Chief Bryan Kleskie to the new position of Fire Safety Officer. Chief Kleskie will report directly to Chief Thomas and be responsible for managing matters related to firefighter health and safety. He will be responsible for planning and implementing a comprehensive program of firefighter safety, relating to all areas of department operations, that complies with all departmental, local, state and federal regulations.

A search for the final position recommended by the review team, that of Public Information Officer, is now underway. Chief Thomas is also working quickly to implement the other personnel recommendations of the team including additional dispatching capaCity and full staffing of existing engine and ladder companies.

The other interim recommendations of Chief Routley's team are as follows:

COMMAND and ON-SCENE ACCOUNTABILITY

Improve on-scene command and control

- Apply incident command procedures on all incidents (ICS – NIMS procedures)
 - First arriving officer assumes command, performs size-up and provides direction for all others
 - First arriving chief establishes exterior Command Post and remains at Command Post
 - Safety Officer assigned for working fires and hazardous incidents
 - Rapidly implement City-wide personnel accountability system

FIREFIGHTER SAFETY

Enhance and improve firefighter safety and health

- Reinforce appropriate use of personal protective clothing and SCBA
- Reinforce the use of seat belts and standard emergency response vehicular operations
- OSHA 2-in/2-out to be followed at all times
- Reinforce management procedure for off-duty firefighter response to emergencies

FIRE and RESCUE TRAINING

Career development and Safety Training

- Initiate and complete Incident Command and tactical operations training for all officers and additional training for all members
- Provide incident safety officer training for all command officers and health and safety officer training to selected personnel
- Assure that all new firefighters are trained and certified in accordance with South Carolina State standards/NFPA Firefighter II before assignment to emergency duty with initial support from the South Carolina Fire Academy support

RESPONSE AND COMMUNICATIONS

Fire Operations safety and Emergency and Non-Emergency Communications

- Increase initial structure for fire response to three (3) engines and one (1) ladder
- Utilize the third engine as the Rapid Intervention Team (RIT)
- 'Working fire' – dispatch Assistant Chief, Second Battalion Chief, 4th engine company and an EMS unit
- Utilize the second-arriving Battalion Chief as the incident safety officer unless staff Safety Officer is on scene
- Communication changes including the elimination of 10 codes and the use of the tactical radio channel for responses

WATER SUPPLY

Increase Water Supply and Minimize Risks To Firefighters

- Changes in water supply standard operating procedures with near-term transition to large diameter supply hose
- Use of 1-1/2 inch hose or larger, for interior attack as well as vehicle fires (Significantly reduce the utilization of booster hoselines)

These recommendations, announced Friday, are an interim set of recommendations that the fire department will implement immediately. By approximately mid-September, a complete report and assessment of the review team's first phase will be available. This report will include additional operational recommendations, as well as an assessment and recommendations for improvements in the City's fire safety system of building codes, code enforcement and building inspections. This report may produce recommendations for state legislative changes or changes to the International Building Code. This first phase will ensure that the Charleston Fire Department and the City of Charleston is utilizing the most up-to-date standards and best practices of the fire service nationwide. As we have done with Friday's interim recommendations, the City will implement these changes as soon as possible.

Chief Routley's team will follow the Phase I report in the coming months with Phases II and III, which will be a synthesis of all of the various investigative reports done by governmental agencies, and a strategic long range plan for the fire department, respectively.

Additionally, you will recall that the Charleston Water System acted in July to eliminate tap and impact fees for sprinkler systems, and reduce the monthly charge for these connections.

Response to Survivors of Victims and Efforts to Help CFD personnel

In conjunction with local, state and national resources, the City is coordinating a comprehensive Behavioral Health program to attend to the great needs of our fire

department personnel, their families and the surviving families of the brave firefighters that lost their lives on June 18, 2007.

The National Fallen Firefighter Foundation (NFFF) created the model for similar programs to assist firefighters and their families and the surviving families of lost firefighters in the World Trade Center disaster as well as Hurricane Katrina.

Outreach to Families of Fallen 9

- Established Family Liaison Program: FD members screened by clinicians, trained and matched with surviving families, help with information dissemination, gift distribution and day to day support.
- Engaged National NFFF Survivor Support Network: Surviving families are matched with two survivors to serve as family peers.
- Implemented School Re-Entry Program: Training program for teachers and guidance counselors of the children of fallen 9 and children of FD members.
- Initiated 24-Hour Support Hotline: Two Charleston/Dorchester Mental Health professionals assigned fulltime to this hotline which serves families of the 9 as well as FD members and their families

Outreach to Fire Department Members and their families

- Peer teams from NFFF have made 1057 contacts with fire department membership to date.
- Peer teams from Charleston Area Peer Support (a local organization) and Coastal Crisis Chaplaincy have been making rounds to the other public safety agencies that engaged in the fire on June 18th as well as Sofa Super Store employees.
- Chief to Chief network has been established to match fire department chiefs with peer chiefs from around the country.
- Establishing an internal Fire Department Peer Support Program that will be led by retired local fire department chiefs who will volunteer their services.

Firefighter and Family Benefits

The ING insurance benefits include the basic life insurance that the City pays for, along with any supplemental life insurance that the employee purchased through ING. There is an Accidental Death and Dismemberment benefit on each of these policies that is equal to their salary for the basic life and matches the level they selected for the supplemental benefit (1,2 or 3 times their annual salary). At the request of the families,

the benefits were delivered to the HR Department, and each family came by to pick them up personally.

Priority mail envelopes were sent to each family member who is currently covered by the City's insurance. The letter gave them a timeline for their conversion to COBRA benefits and also gave them contact information for our COBRA vendor. We have established a dedicated representative with our vendor who will take all calls from families. We thought it would be important for them to receive consistent and quick information. We are available to answer any questions they may have.

As of 8/21/07, there have been no final rulings on the dependency hearings by the Workers Compensation Commission. The Workers Compensation Commission has made *informal* rulings on the cases of Baity, Benke, Mulkey and French. We expect for the formal rulings on these cases to be issued this week. There has been no ruling in the Kelsey case by the Commission. The dependency hearings have been re-scheduled for August 28, 2007 for Thompson, Hutchinson, and Champaign. The Drayton hearing will be scheduled sometime in September.

Information regarding potential financial planners was sent out by the CFO. In the wake of many of these families receiving large amounts of money at one time, we thought it would be helpful to give them information on resources to assist them with financial planning.

The State Firefighters Association is processing their death benefit as well.

As you can see there is a tremendous amount of work being done on behalf of the fallen firefighters, our current firefighters, and the citizens of Charleston by the City's great team and the agencies we are working with. We are determined that our response to this terrible tragedy will be a model response for any city that has to respond to such events and that our City emerges from this incident a stronger and safer place to live.

If you have further questions, please call me.

JPR,jr./rd