

### INVESTIGATION NARRATIVE

REPORTING DISTRICT:	Buffalo	
INVESTIGATION TYPE	ESTABLISHMENT NAME AND SITE ADDRESS	
X COMPLAINT	Buffalo City FD, ENG21, Ladder6 and Rescue 1 210 Glenwood Ave. Fire Buffalo NY 14210	
REFERRAL		
PROGRAMMED		
MONITORING		
FOLLOWUP	DATE(S) OF INVESTIGATION:	INSPECTION NUMBER
OTHER	6/30/2015, 7/13/2015, 9/14/2015, 9/18/2015, 10/8/2015,	1079436 UPA: 986316

On 6/30/2015, a partial safety and health inspection was initiated at the Buffalo City Fire Department, Eng. 21, Ladder 6 and Rescue 1 by Supervising Safety & Health Inspector Jim Reeves. The inspection was conducted in response to a complaint indicating that multiple firefighters were injured during their response to a fire at 210 Glenwood Ave. that occurred on 4/24/2015.

The inspector presented credentials to Garnell Whitfield, Commissioner, and informed him that the inspector was present to conduct a safety inspection in response to a complaint.

Employees at this location are represented by the Buffalo Professional Firefighters Union. The employee representative contacted by the inspector prior to the start of the opening conference was:

Vincent Ventresca, Buffalo Professional Firefighters Union, 3<sup>rd</sup> District Trustee

#### Opening Conference

An opening conference was conducted on 6/30/15. At this time, the PESH Act and scope of the inspection were explained to the participants. Present during the opening conference were:

- Jim Reeves, PESH Supervising Safety & Health Inspector
- Garnell Whitfield, Commissioner
- Kevin Peterson, Deputy Commissioner
- Vincent Ventresca, Local 282 3<sup>rd</sup> District Trustee

The following materials were reviewed with the attendees during the opening conference.

- SH 909 – PESH Act pamphlet
- 12 NYCRR – Parts 801, 802, 803, 804, 805, and 820
- SH 907 – Employers' Rights and Responsibilities pamphlet
- SH 906 – Employees' Rights and Responsibilities pamphlet
- SH 904 – Closing Conference pamphlet
- SH 900, 900.1, and 900.2 – Injury and Illness Recordkeeping forms

- SH 905 – Consultation Service pamphlet
- SH 908 – PESH poster
- SH 918 – Penalty Information For Public Employers
- SH 976 – Hazard Communication pamphlet
- 2706 – Right to Know poster

### **Incident description**

*On April 24, 2015 at 1309 hours, the Buffalo Fire Alarm Office (dispatch) received a 911 call reporting a violent domestic disturbance at 210 Glenwood Ave. The caller stated that he was stabbed by a woman who had also set fire to the garage and was vandalizing his house. Dispatch called arson investigation before initiating an alarm for fire. Had dispatch initiated the fire alarm first, it appears the 1 minute, 15 second delay in the initial response could have been prevented. Instead the arson call was placed first causing a delay in the time of the initial alarm and the arrival of the first responding trucks.*

### **Note:**

- *Buffalo City 911 Center (PD) is separate from Buffalo FD Alarm Office*
- *The Dispatch Trainee that took the call was a civilian dispatcher from Local 264*
- *The Trainer was a Sr. Dispatcher, uniform firefighter from Local 282*

### **Summary of Events**

1. *On April 24, 2015 at 1309 hours, the Buffalo Fire Alarm Office (dispatch) receives a 911 call reporting a violent domestic disturbance at 210 Glenwood Ave. The caller states he was stabbed by woman who also set fire to the garage and is vandalizing his house. Dispatch calls arson investigation before initiating an alarm for fire (should have initiated the fire alarm first). It appears there was a 1 minute 15 second delay when the arson call was placed to when the alarm was initiated causing a delay in the time of arrival of the first responding trucks. A similar situation occurred during the Maurice St. Fire when the security guard at the Honeywell factory across the street reported the fire, said they saw flames and a PS or preliminary signal was initiated instead of a full alarm. This caused a delay in the arrival of additional resources.*
2. *At 13:13 Dispatch sent Full Assignment (E21, E33, E37, Ladder 6, L4, L7 is the Fast Team, B44, Rescue 1, F20, F9 and B41) to 210 Glenwood Ave. Dispatch failed to inform responding firefighters of the violent domestic disturbance.*
3. *Upon arrival, E21 stated that it was a lawnmower fire outside the garage and they could respond thereby downgrading the alarm to a Preliminary Signal. Dispatch repeated and verified with B44. While E21 was onsite, the woman inside the house started setting additional fires; this was not recognized until one fire fighter saw the couch on fire.*
4. *During employee interviews, the inspector was told that fire fighters entered the building without water from E21. The pump operator could not engage the pump [a similar*

*problem occurred at a Maurice St. Fire (PESH investigation #1052717)]. Prior to this response Engine 21 had been in for service multiple times:*

- *2/23/2015 – Repair exhaust and heater*
- *3/18/2015 – Won't build up air pressure*
- *3/20/2015 - Remove compressor*
- *3/24/ 2015 – Compressor*
- *4/17/2015 - Replace radiator*
- *4/27/2015 – Repair foam system and lights*
- *4/23/2015 – Foam*
- *4/28/2015 – Churchville Fire Equipment "rebuilt the transfer case and replaced U joints, they found worn gears in transfer case causing truck to sporadically have problems going into pump."*

*Due to this history of truck service, this item of the complaint could not be sustained.*

5. *The woman in the house was using an accelerant, probably charcoal lighter fluid, to set fires and she also threw an iron through a window. This combination, with the front door open, caused the fire to change from incipient stage to a flashover much quicker than firefighters anticipated. Firefighters entered the house to perform search and rescue without water.*
6. *B44 called everyone out of the building and asked dispatch to initiate an emergency tone used to signal a mandatory evacuation. A Buffalo Fire SOP: 2.15 **General Emergency/Accountability Radio Transmissions, III Emergency Evacuations** states that upon IC notification; Dispatch will initiate the emergency tone and notify members of the evacuation order. Dispatch will then proceed with the emergency head count as per **Section II Emergency Head Count** then and inform all companies to standby for an emergency headcount. Dispatch initiated the emergency tone but failed to perform the emergency head count, dispatch did not follow their own procedure by acknowledging the Mayday and initiating the emergency head count.*

*Three firefighters received burns during the fire and were transported to Erie County Medical Center (ECMC) and were later released after treatment.*

### **Additional Issues**

- *Hand held radios and most truck mounted radios do not have the ability to scan and must manually be set on either channel 1, 2 or 3. Channel 1 is used by dispatch to initiate an alarm and to communicate with responding trucks. Channel 2 is the working fire channel. Channel 3 can be used for separate rescue on a larger incident or used for a separate response. Trucks usually manually switch to channel 2 when on scene or close to arrival. The union claims that some trucks did not hear dispatch's second call to respond because they never manually switched their trucks radio back to channel 1.*

- *The hand held radios have a mayday button that is very difficult or impossible to activate with a glove on. Fire fighters have stated that they need to remove their glove to initiate a mayday (pressing the button) thus exposing them to heat and possible burns.*

*On 5/20/2015, the inspector received a fax from Local 282 containing the injury investigation of 210 Glenwood Ave., performed by the Safety Chief Morgante between 4/24/2015 and 4/29/2015.*

### **Inspection notes**

*After the opening conference, the onsite inspection was started at Engine 21, Ladder 6, Rescue 1 located at 1229 Jefferson Ave., Buffalo New York. On 7/23/2015, the inspector returned to the site to perform employee interviews. On 9/14/2015, the inspector returned to the site, spoke with a group of firefighters then went to the Buffalo Fire Alarm Office with the Local 282 union rep.*

*Once at the Alarm Office, the inspector started obtaining information about options and capabilities of the Computer Aided Dispatch System (CAD) used by the dispatchers.. On 7/23/2015, the Commissioner provided training records for the dispatchers that were on duty during the time of the Glenwood Ave. alarm. The Association of Public Safety Officials (APCO) provides much of the training and various levels of certification for the Alarm Office dispatchers. The APCO website provides additional information on training, standards and a complete description of the CAD system's capabilities, except that each system has options that are customized for the needs of the client. The CAD system can do more than aid the dispatchers in vetting their incoming calls and send alarms. The system can also re-generate a time line of each radio communication: <https://www.apcointl.org/doc/911-resources/apco-standards/584-11011-2015-multi-functional-multi-discipline-cad/file.html>*

*Shortly after arrival, the inspector received a call from the Commissioner informing him there is a second union representing the civilian dispatchers at the Alarm Office and that the Commissioner would like to be present during this phase of the inspection.*

*The inspection was postponed until 9/18/2015. On this date, Tom Weimer, union rep for local 264 was present along with, Megan Steele, Assistant Corporate Council, Vincent Ventresca, Local 282 3<sup>rd</sup> District Trustee, and Commissioner Whitfield. The inspector prepared a list of inspection records that had been asked for and not previously received and also contained new items needed to complete the investigation. A copy was shared and reviewed with all participants.*

*Regarding inspection material obtained during the investigation, shortly after the Glenwood Ave. fire, Chief Morgante, Safety Chief was promoted to Division Chief and the Safety position remained vacant for most of the investigation. During other inspections with the Buffalo FD, the Safety Chief acted as a liaison between PESH and the employer. Where a request for information relating to an inspection was presented by the PESH inspector to one employer representative, the Safety Chief would track down the information and respond back. That was*

*not the case with this investigation. Starting on July 2, 2015, the inspector would email the Commissioner for information relating to an inspection item. Sometimes the information was sent, sometimes a response was never received. On 9/23/2015, the inspector started working with the Buffalo FD Training Office and on 10/8/2015 the inspector started working with the Buffalo FD HAZMAT Office. Many records were received, organized, reviewed and commented on, but some requests for information were never received and those issues ended up being cited during this inspection.*

*The original complaint alleged that the Mayday signal was never acknowledged by the dispatcher. B44 calls everyone out of the building and asks dispatch to initiate an emergency tone used to signal a mandatory evacuation. A Buffalo Fire written procedure, SOP 2.15 **General Emergency/ Accountability Radio Transmissions, III Emergency Evacuations** states that upon IC notification; Dispatch will initiate the emergency tone and notify members of the evacuation order. Dispatch will then proceed with the emergency head count as per **Section II Emergency Head Count** and will then inform all companies to standby for an emergency headcount. Dispatch initiated the emergency tone but did not perform the emergency head count. This allegation of the complaint was sustained.*

*The second allegation of the complaint referred to Engine pump 21, which had been out for repair on several occasions and did not work properly during the incident. From interviews, the inspector was told that fire fighters entered the building without water from E21. The pump operator could not engage the pump and due to the building being occupied the firefighters entered the building to perform civilian rescue. This allegation of the complaint was not sustained due to the history of maintenance repairs performed on Engine 21 just months prior to this incident.*

### **Citations**

#### **1910.120 - Hazardous Materials Emergency Response**

- *Received plan, there were some deficiencies
  - *Decontamination*
  - *Evacuation Routes*
  - *Critique of training and incidents**
- *The standard requires initial and annual refresher training. For line fire fighters, they had their initial but refresher training was not received annually by all members at 1229 Jefferson Ave.*
- *For Division and Battalion Chiefs, they will need to be trained to the Incident Command Level and need annual refresher training.*

#### **1910.134 - Respiratory Protection**

- *The plan was compliant*
- *The standard requires initial and quarterly refresher training. For line fire fighters, they had their initial but the refresher was not performed quarterly at 1229 Jefferson Ave.*
- *Fit testing was not performed annually for all members at 1229 Jefferson Ave.*

- *Documentation provided does not show firefighters physicals are performed as per the employer's Respiratory Protection Program, every 12 months for all members at 1229 Jefferson Ave.*
- *The department did not maintain documentation showing the quality of air from the air compressor is Grade D or better.*

**1910.156 - Fire Brigade Standard**

- *Organizational Statement had some deficiencies, missing statements that:*
  - *Establishes the fire brigade*
  - *the type amount and frequency of training for members*
  - *expected number of members*
  - *the functions the brigade are expected to perform*
- *The standard requires initial and annual refresher training. For line fire fighters, they had their initial but refresher training had not been provided annually for all firefighters at 1229 Jefferson Ave.*
- *The standard requires that Officers be trained to a higher level than the general membership and that refresher training must be provided annually. The department did not provide annual refresher training for Division and Battalion Chiefs*
- *156(c)(2): Dispatchers at the Alarm Office were not provided with training of sufficient content or performed frequently enough to assure that each member can perform their duties. This item sustains the complaint regarding the dispatch office failed to acknowledge the Mayday.*
- *The complaint item regarding Engine 21 having faulty equipment was not sustained by the inspection due to the history of repairs the equipment received within months of the incident.*

**1910.1030 - Bloodborne Pathogens**

- *The plan was compliant*
- *The plan was last revised on 2/23/1995 and is required to be reviewed annually.*
- *Documentation provided does not show members at 1229 Jefferson Ave. receive refresher training every 12 months.*
- *Documentation has not been provided showing the current status of members at 1229 Jefferson Ave., Division and Battalion Chiefs Hepatitis B vaccination status.*

**12 NYCRR Part 801 - Recordkeeping**

*On 7/23/2015, the inspector received an email from Commissioner Whitfield containing the injured firefighter's incident reports. The incident reports did not include all of the information required by 12 NYCRR Part 801 when compared to the SH 900.2. Information lacking from Buffalo Fire Department's Injury reports is as follows:*

1. *Date employee was hired*
2. *What was the employee doing just before the incident occurred*
3. *What happened*
4. *Name of physician or health care professional*
5. *Was employee treated in an emergency room*
6. *Was employee hospitalized overnight*
7. *Case number from the log*

- 8. Time employee began work
- 9. The name, title, phone number of the person taking the report

The employer was cited under 12 NYCRR Part 801.29(a) for not using the SH900.2 or equivalent form under inspection: 1052717. This is a repeat violation.

**12 NYCRR PART 800.6 – Workplace Violence Prevention**

- The department could not produce documentation showing that a written program exists
- The Policy Statement was outdated: the contact person listed is retired
- The department could not produce documentation showing that a workplace Hazard Assessment was ever completed
- The department could demonstrate that training was ever completed
- The department could not produce documentation showing that an Incident Report was ever completed for the Glenwood Ave. incident

**Closing Conference**

On October 19, 2015, a closing conference was conducted at Buffalo FD Headquarters. The SH-904 Closing Conference Pamphlet, citations to be issued, possible means of abatement, and the availability for consultation assistance was discussed. Present at the closing conference were the following:

- Jim Reeves, PESH Supervising Safety & Health Inspector
- Kevin Peterson, Deputy Commissioner
- Vincent Ventresca, Local 282 3<sup>rd</sup> District Trustee
- Megan Steele, Assistant Corporate Counsel

On January 15, 2016 at 11:15 AM, the inspector performed a second closing conference in person with Commissioner Whitfield at his office where the proposed citations were reviewed. On January 26, 2016 the inspector conducted a second closing conference with Vincent Ventresca, Local 282 3<sup>rd</sup> District Trustee at his office.

FAILURE TO ABATE ISSUED:	CSHO NAME James Reeves	DATE PREPARED
<input type="checkbox"/> YES		1/27/2016
<input checked="" type="checkbox"/> NO		

DOSH 914 (12-09)