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From: R. A. Lowery, Investigator [fireinvestigatorrlowery@roadrunner.com]
Sent: Tuesday, February 24, 2009 12:15 PM
To: NIOSH Docket Office (CDC)
Cc: magray@firehousemail.com; skgallagher@chillicothehd.com; cfdrussell@horizonview.net; Lt. Ratliff
Subject: 141 - Draft NIOSH Alert: Preventing Deaths and Injuries of Fire Fighters When Fighting Fires in Unoccupied Structures

To whom it may concern,

In regard to the NIOSH recommendation of fighting "unoccupied structures" I must take exception to the definition of "unoccupied" and also exception to the taking away from the IC the responsibility for determining which course of action to take, offensive or defensive operations.

If a community is in the midst of an arson spree, as many are in this economic downturn, the ability of the Investigator will be greatly hampered if all "unoccupied" structures are to be defensive in nature and written off.

We take great care in identifying structures that are truly unoccupied however to lump in any structure where "no one is home" as unoccupied is a dangerous road to take.

As a Certified Fire Investigator I can imagine the glee in the serial arsonist eyes when he or she learns that as long as "no one is home" that the structure will basically be written off as a loss. I can only see this as an impetus for the arson for profit fire setter and all the other serial arsonists to continue and even expand their actions. If all evidence is going to be destroyed why worry?

To allow ALL evidence to be destroyed simply because "no one is home" will have a chilling effect on Fire Investigations nationwide. It will certainly constrain and hinder the effective investigation of all fires that are determined to be a "no one at home fire" and only defensive operations are employed at that fire scene.

The decision for offensive or defensive operational status needs to be left in the hands of the IC on the scene not a bureaucrat at a desk a thousand miles away. I do appreciate NIOSH's interest in firefighter injuries and fatalities however there are many more pressing issues regarding health and safety than initial fire attack. More firefighters die from exotic cancers and respiratory/cardiac issues than from initial attack operations. While a line of duty death is not a pleasant idea and we should avoid them at all costs, we also know that it is a real possibility every time we respond. It is a job risk we have and will continue to understand and to take.

While the basic idea behind the NIOSH draft is well taken it is however not well thought out in the light of arson and the investigation thereof.

Respectfully,

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