

Office of the
City Manager

City of Salisbury North Carolina

August 26, 2008

Mr. Paul M. Sullivan, CIH
OSH Compliance District Supervisor
N.C. Department of Labor
901 Blairhill Road, Suite 200
Charlotte, NC 28217-1578

Re: City of Salisbury Fire Department
OSH Inspection #312107592

Dear Mr. Sullivan:

After much consideration, the City has determined that it will not contest the citations issued against it in connection with your investigation after the tragic fire on March 7, 2008. As you noted in your August 6, 2008 letter to Chief Parnell, the absolute highest priority of Chief Parnell and our entire department on March 7 was firefighter safety, as it is at every fire. Thus, while the City and the Fire Department may disagree with the conclusions reached by NIOSH or whether many of the events of March 7 occurred exactly as recited in the citations, we have determined that it is in the best interest of the Department, the City, its firefighters and its citizens to focus the efforts of the City and of the Department on continuing to enhance firefighter safety under all circumstances, by improving our policies, procedures and practices so there can be little question about the application of our standards.

To that end, please know that with respect to Citation 1, Items 1a – 1c, the Department has amended its Respiratory Safety Policy and Procedures to include specific written procedures for fit-testing of self contained breathing apparatus (SCBA) to require fit-testing prior to initial use, whenever a different respirator face piece is used, and annually thereafter. We commenced implementation of this policy promptly after this issue was brought to the attention of the Department. The annual fit-testing of all SCBA began on April 1, 2008, and concluded August 20, 2008 but after April 1, 2008, no firefighter used an SCBA that had not first been retested. The amended respiratory safety policy also now specifically documents the Department's already existing testing procedures to ensure adequate air quality, quantity and flow. As you know, the Department's policy in this regard previously was not in writing but the Department is providing records of such testing for the past four years.

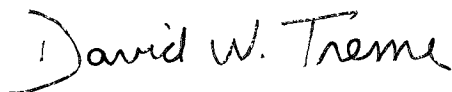
With respect to Citation 1, Items 2 and 3, the Department's existing procedures required all personnel to remain in pairs at all times in all IDLH environments. The Department has

updated its Initial Company Operation (“ICO”) procedures to clarify that all situations where SCBA are used are considered IDLH areas for purpose of this rule. The Department is also updating ICO procedures to better ensure that existing procedures related to the establishment of a properly equipped rescue team prior to entering an IDLH atmosphere are followed and improve those procedures. The new procedures are in a written policy and are to be implemented on August 27, 2008. When complete, the revised ICO procedures will be the subject of review and retraining with all personnel, as part of existing implemented annual retraining of all firefighter Survival Skills. With respect to recommendations concerning Survival training, the Department conducts Survival training and retraining annually. The last Firefighter Self Survival training completed was in 2007 on September 17, 18 and 19 for all personnel. Firefighter MAY-DAY and Self Survival training is scheduled to take place this year on the following dates: October 6, 7, 8, 13, 14 and 15.

With respect to the radio communication issues encountered on March 7 and addressed in your letter, the Department has ordered new front-line replacement radios better suited to the firefighting environment and the Department has adopted specific radio maintenance policies and procedure to further address those concerns. We are hopeful that these changes will minimize or eliminate future radio issues.

Notwithstanding the citations issued by you and your department, the City and the Department appreciate your thorough review and honest comment upon the Department’s daily operations and of our firefighting operations on March 7. We will use this to continue our ongoing efforts to improve the Department and the safety of our firefighters.

Very truly yours,



David W. Treme
City Manager

cc: Chief Robert Parnell

Enclosures: Check #400430
Amended Policies & Procedures