A Commission Report

THE FEDERAL ROLE IN THE FEDERAL SYSTEM: THE DYNAMICS OF GROWTH

The Federal Role in Local Fire Protection

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS
Washington, D.C. 20575 • October 1980

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Foreword

The Advisory Commission on Intergovernmental Relations was established by P.L. 380, which was passed by the first session of the 86th Congress and approved by the President on September 24, 1959. Section 2 of the act sets forth the following declaration of purpose and specific responsibilities for the Commission:

> Sec. 2. Because the complexity of modern life intensifies the need in a federal form of government for the fullest cooperation and coordination of activities between the levels of government, and because population growth and scientific developments portend an increasingly complex society in future years, it is essential that an appropriate agency be established to give continuing attention to intergovernmental problems.
>
> It is intended that the Commission, in the performance of its duties, will:
>
> 1) bring together representatives of the federal, state, and local governments for the consideration of common problems. . . .
>
> 5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation.
>
> 6) recommend, within the framework of the Constitution, the most

> desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government. . . .

Pursuant to its statutory responsibilities, from time to time the Commission has been requested by the Congress or the President to examine particular problems impeding the effectiveness of the federal system. The 1976 renewal legislation for General Revenue Sharing, P.L. 94-488, mandated in Section 145 that the Commission:

> . . . study and evaluate the American federal fiscal system in terms of the allocation and coordination of public resources among federal, state, and local governments including, but not limited to, a study and evaluation of: (1) the allocation and coordination of taxing and spending authorities between levels of government, including a comparison of other federal government systems. . . . (5) forces likely to affect the nature of the American federal system in the short-term and long-term future and possible adjustments to such system, if any, which may be desirable, in light of future developments.

The study, *The Federal Role in the Federal System: The Dynamics of Growth,* of which the present volume is one component, is part of the Commission's response to this mandate. Staff were directed to: (a) examine the present role of the federal government in the American federal system; (b) review theoretical perspectives on American federalism, the assignment of functions, and governmental growth; and (c) identify historical and political patterns in the development and expansion of national governmental domestic activities. This case study on the federal role in local fire protection is one of seven prepared by Commission staff pursuant to this assignment.

Abraham D. Beame
Chairman

Acknowledgements

This volume was prepared by the Government Structure and Functions Section of the Commission staff. Mavis Mann Reeves, senior resident and associate professor of government and politics at the University of Maryland, had responsibility for the research and preparation of this case study. Other members of the Government Structure and Functions Section, including Cynthia Colella, Robert Stein, Carol Monical, and, particularly, David R. Beam, project manager, reviewed the manuscript and made helpful suggestions. Lynn Schwalje worked out the intricacies of *Table 1* and *Figure 1* and typed the copy. Patricia Koch gave valuable library guidance.

During the research for the study, many individuals associated with fire protection activities provided information, perceptive comments, advice, and criticism. The Commission appreciates their generous responses to requests for interviews. The following shared their time and expertise: J. O. Baker, Jr., staff specialist, Cooperative Fire Protection, U.S. Forest Service; Richard E. Bland, associate professor of fire engineering, Pennsylvania State University; Percy Bugbee, president emeritus, National Fire Protection Association; John L. Bryan, professor and chairman, Fire Protection Engineering, University of Maryland, College Park; Frederick B. Clarke, director, Fire Center, National Bureau of Standards; Joseph E. Clark, director of technology utilization, U.S. Fire Administration; Dean Coston of Coston Associates; Harold Gallagher, state forester of Kansas; James W. Giltmier, Senate Committee on Agriculture, Nutrition, and Forestry Staff; David. B. Gratz, vice president, International Association of Fire Chiefs' Foundation; Ken Gray, former legislative assistant to the late U.S. Sen. Hubert H. Humphrey; William Hanbury, coordinator, Intergovernmental Activities, U.S. Fire Administration; Thomas Hughes, Public Information Office, U.S. Fire Administration; Barbara Lundquist, National Data Center, U.S. Fire Administration; W. Howard McClennan, president, International Association of Fire Fighters; U.S. Sen. Charles M. Mathias, Jr.; Alexander F. Robertson, Fire Center, National Bureau of Standards; John Rockett, Fire Center, National Bureau of Standards; Anne Rush, Warren County, KY, REA Coop., James Ryan, Fire Center, National Bureau of Standards; Erwin Schaffer, U.S. Forest Products Laboratories, Madison, WI; William Taggart, Senate Committee on Agriculture, Nutrition, and Forestry Staff; James Thornton, Farmers' Home Administration; Willard R. Tikkala, director, Cooperative Fire Protection, Forest Service; Gordon Vickery, Administrator, U.S. Fire Administration; and Ralph Winkworth, North Carolina state forester.

In addition Michael J. Smith, acting director of research, International Association of Fire Fighters, was kind enough to search association records for resolutions relating to federal involvement, and the staff of the Senate Committee on Agriculture, Nutrition, and Forestry helped to locate committee records. Pat Bowley secured useful research materials. We are indebted, as well, to the staffs of the U.S. Fire Administration Library and the International Association of Fire Chiefs' Library for help in locating necessary materials.

Along with providing information, J. O. Baker, Jr., Richard E. Bland, Percy Bugbee, Joseph E. Clark, David B. Gratz, and Alexander F. Robertson were kind enough to review and comment on a preliminary draft of the study. Charles S. Morgan, president of the National Fire Protection Association, and his staff also provided helpful criticism. The report would not have been possible without the cooperation and assistance of the people and agencies identified above. Full responsibility for content and accuracy rests, of course, with the Commission and its staff.

Wayne F. Anderson
Executive Director

David B. Walker
Assistant Director

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Introduction

Fire! Hundreds of thousands of times a year, that shout reverberates down hallways or the inner recesses of the mind as Americans come face to face with one of the most dreaded causes of death and disfigurement. Ironically, for every American who will confront flames or choking smoke this year, there are hundreds who give the threat of fire not a moment's thought, who will continue to take only the slightest precautions to guard against fire.

Fire is a major national problem. During the next hour there is a statistical likelihood that more than 300 destructive fires will rage somewhere in this nation. When they are extinguished, more than $300,000 worth of property will have been ruined. At least one person will have died. Thirty-four will be injured, some of them crippled or disfigured for life.

These words from *America Burning: The Report of the National Commission on Fire Prevention and Control* present a different perspective on fire than that held by most Americans. Most citizens would consider fire

a problem, but few in the past have thought it a national problem to be dealt with by the federal government. On the contrary the conventional wisdom holds that fire protection is the most local of government functions.[1] For the most part the conventional wisdom was, and still is, true. Although state governments long have been concerned with prevention and control of wildfires through the office of the state forester and the federal government works to assure safety for its employees and property, local jurisdictions, especially municipalities, bear the responsibility for general fire protection services.[2]

Nevertheless federal assistance to state and local governments for fire services grew substantially during the 1970s. This is not to say that the national government has taken over the provision of local fire services, or that it is likely to; however, its participation in decisions concerning local fire service delivery is on the rise. The two case studies set out here examine the two most important areas of federal intergovernmental fire activity—those under the U.S. Fire Administration and those under the Forest Service of the U.S. Department of Agriculture—and seek to determine how and why federal involvement occurred.

FOOTNOTES

[1]See, for example, George F. Break, *Intergovernmental Fiscal Relations in the United States*, Washington, DC, The Brookings Institution, 1967, pp. 68-69, and International City Management Association, *Management Policies in Local Government Finance*, J. Richard Aronson and Eli Schwartz, eds., Washington, DC, 1975, p. 39.

[2]A 1977 calculation by the Advisory Commission on Intergovernmental Relations (ACIR) staff indicates that fire protection and parking are the only two functions for which local governments provide more than 55% of the financial support in all 50 states.

Historical Development

Fire was a particular hazard in colonial America because of the close, huddled placement of houses in compact settlements. The flammable materials used for building construction and the use of fire as a weapon by Indian tribes and military forces heightened the danger. Communities began early on to organize bucket brigades and to discourage the use of certain materials in construction. Gov. Peter Stuyvestant of New York promulgated the first American fire prevention and building code in 1628. Some 20 years later, he appointed fire wardens to inspect chimneys and levy fines on those not cleaning them properly. The ever present threat of arson was acknowledged as early as 1652 by an arson law enacted by the General Court of Massachusetts.[1]

Although efforts to protect settled areas from the hazards of fire developed early in American history, the destruction by wildfires received little attention until the latter part of the last century. Not only were fires in forests and on rangelands ignored, they often were set for the thrill of watching them burn as well as for convenience in clearing the land. Conservation was a long time aborning because forest resources were regarded as inexhaustible.[2]

In the settled areas early fire companies often were privately organized and financed, and larger cities usually had more than one. In some areas insurance companies paid any organization suppressing the fire, and several companies often appeared at the same conflagration. Competition among volunteer companies, anxious both for the glory and the financial reward, was intense. The result was that a burning building sometimes had to await fisticuff settlement of the issue of which company had premier claim before the actual pouring on of water got underway. The winners then were subjected to jeers and catcalls and to an ongoing critique of their performance by the losing volunteers.[3]

Boston established the first paid fire department in 1679 following a disastrous fire, but for the next two centuries separate volunteer departments served most communities.[4] Baltimore, for example, relied on its famed Mechanical Fire Company until 1858 when a paid department was established, and Philadelphia did not inaugurate its first paid department until 1871.[5] It took a riot by volunteer companies to persuade Cincinnati to establish the country's first post-Independence paid fire department.[6]

Today approximately 28,000 fire departments with between 1.4 and 2.2 million fire service personnel serve the nation's communities. More than three-fourths of both the fire departments and the personnel are volun-

teers,[7] not paid for their services or paid only a minimal amount as needed. Larger cities and counties have building code enforcement agencies as well. Almost all of these are public agencies; however, private companies that contract for fire suppression still exist in parts of Arizona, Georgia, Tennessee, Montana, and Oregon, as well as in Rochester, NY.[8] Although still small, the number of private fire protection organizations is on the increase.

THE STATE ROLE

State governments long have performed limited functions in regard to general fire protection but have assumed major responsibilities for prevention and control of wildfires. Early fire companies were incorporated under state law. Legislatures enacted arson laws, requirements for building codes, and authorized the establishment of fire services. State foresters worked to prevent and suppress forest fires. State fire marshals were empowered to set and enforce standards for protection of state property as well as for certain other facilities, including places of public assembly, hospitals, nursing homes, schools, and prisons. In addition they provided emergency assistance to local units and performed other functions in regard to fire protection.

Current state activities usually include fire and building code administration and enforcement, supervision of local implementation of state legislation or codes, dissemination of technical information, and wildfire prevention and suppression. States typically collect and analyze fire data, investigate fire crimes, develop and deliver public fire education programs, adopt standards for fire service personnel, and provide fire training. In addition the state legislatures may provide by law for the establishment and operation of local fire protection systems, including stipulations regarding personnel, training, financing, reporting, and other matters.[9]

These state-level programs frequently are developed and administered by several loosely coordinated agencies and with varying degrees of effectiveness. Conflict among state agencies is frequent as is conflict with local officials.[10]

EXPENDITURES FOR FIRE

Despite the recent expansion in activities, the state role in day-to-day local fire protection is still a relatively minor one. Local governments have a near monopoly on fire service delivery to the public. This is reflected in expenditures for this function. Direct expenditures for local fire service,[11] which amounted to approximately $4.3 billion in 1976-77, are made at the local level to such an extent that the Census Bureau's *Governmental Finances* lists no expenditures for the other levels. Unfortunately figures on intergovernmental transfers for fire protection are not available. The local expenditures for fire were 2.5% of total local expenditures and about one-third of those for police in 1976-77.[12]

DEVELOPMENT OF THE FEDERAL ROLE

Until recently the federal government confined its fire protection activities largely to protection of federal personnel and property, and to research. Despite this largely self-serving focus, federal aid activities have affected state and local governments since early in the century. The fire research begun on a minor scale by the National Bureau of Standards in 1904 has been used by all levels of government. In addition *The Weeks Forest Purchase Act of 1911*[13] permitted the Forest Service to enter into agreements with the states to protect from fire those nonfederal forest lands situated on watersheds of navigable rivers. Interstate compacts and a matching fund program were authorized for fire protection.

Other federal agencies long have cooperated with local government authorities in fire prevention and control. The U.S. Coast Guard, for example, which has responsibility for ship and boating safety, joins with local officials in providing fire protection for ports. Similarly other federal agencies have cooperated, the fire programs being incidental to the carrying out of other programs or purposes.

The federal government began to get involved with local fire service delivery during World War II, when it gave surplus federal equipment to state and local fire agencies.

Later it started to plan for use of the fire service as a tool of the civil defense effort and, in 1961, initiated staff and command schools for a small number of fire chiefs. The Forest Service instituted a program of training in selected rural areas in 1964 in response to an executive order assigning the U.S. Department of Agriculture the responsibility for suppression of fires in rural areas resulting from enemy attacks.[14] This was part of the heightened emphasis of civil defense resulting from the Cuban Missile Crisis of October 1962. Until the early 1960s, then, federal efforts were spasmodic and limited.

FOOTNOTES

[1]Robert Paul Lyons, *Fire in America!*, Boston, MA, National Fire Protection Association, 1976, Chap. I.

[2]Junius O. Baker, Jr., "Wilderness Fire Management: Policy Development and Implementation," M.S. thesis, Colorado State University, May 1975, p. 4.

[3]*America Burning: Report of the National Commission on Fire Prevention and Control*, Washington, DC, U.S. Government Printing Office, May 1973, p. 21; Lyons, *op. cit.*, p. 25.

[4]*America Burning, op. cit.*, p. 21.

[5]Lyons, *op. cit.*, p. 25.

[6]Paul C. Ditzel, *Fire Engines, Fire Fighters*, New York, NY, Crown Publishers, Inc., 1976, Chap. 12.

[7]Exact figures on fire departments and fire fighters are nonexistent. The National Fire Protection Association (NFPA) estimates that there are approximately 28,000 departments while the U.S. Fire Administration figure is 28,500. Only about 1,250 are paid according to NFPA. Estimates of paid firefighters range from 140,000 to 160,000 according to USFA and around 170,000 according to NFPA. USFA has no figures on volunteers. NFPA estimates one to 2.2 million. NFPA figures are from Douglas Forsman, by telephone, on September 4, 1979. USFA estimates are from John Ferguson, by telephone, on the same day.

[8]Robert W. Poole, Jr., "Some Cities Let Contracts to Private Fire Protection Firms," *Nation's Cities Weekly*, Vol. 2, No. 25, Washington, DC, National League of Cities, June 18, 1979, p. 12; and Lawrence M. Kushner, "The National Bureau of Standards and the Fire Research and Safety Act of 1968," *Fire Journal*, 62:5, September 1968, p. 32.

[9]"State Government Fire Programs," *Fireword*, December 1977, Washington, DC, National Fire Prevention and Control Administration, U.S. Department of Commerce, p. 1; *Municipal Fire Service Workbook*, prepared by Research Triangle Institute, International City Management Association, and the National Fire Protection Association for the National Science Foundation, Washington, DC, U.S. Government Printing Office, May 1977, App. B.

[10]"State Government Fire Programs," *op. cit.*

[11]These include "fire fighting organization and auxiliary service thereof, inspection for fire hazards, and other fire protection activities. Includes cost of fire fighting facilities such as fire hydrants and water." U.S. Bureau of the Census, *1972 Census of Governments*, Vol. 4, *Governmental Finances*, No. 5, *Compendium of Government Finance*, Washington, DC, U.S. Government Printing Office, 1974, p. 620.

[12]*Governmental Finances*, 1978, *op. cit.*

[13]36 Stat. 961 as amended, 16 U.S.C. 513-21.

[14]E.O. 10998, "Assigning Emergency Preparedness Functions to the Secretary of Agriculture," February 16, 1962; Title 3—The President, Kennedy, *Code of Federal Regulations, 1959-1963 Compilation*, Washington, DC, U.S. Government Printing Office, p. 543.

Current Federal Activity

Against this historical background, it may come as a surprise to many to find the federal government involved in the delivery of fire services to rural communities. One may be even more astounded to discover that all federal executive departments—except the Departments of State and Defense—as well as at least 11 other federal agencies are involved in fire-related activities that affect state and local governments. (See *Table 1.*) The fire activities of the Department of Defense are extensive; however, they are directed at defense goals and only indirectly impact local fire service delivery except where military installations have agreements for emergency support with local organizations.

The federal programs include a variety of activities, ranging from research to the training of fire personnel. In addition to General Revenue Sharing, sometimes used to support fire service delivery, 52 grant-in-aid programs handled by 24 separate administrative units are available to subnational jurisdictions. Eight agencies make loans of money or equipment that can be used to improve fire protection. Five collect data related to fire incidence, injuries, and losses, and many provide some kind of technical assistance and information available to those who request it.

Most of the federal activities are designed to promote some federal purpose other than the prevention or suppression of fires. The

Table 1

SIGNIFICANT FEDERAL INTERGOVERNMENTAL ACTIVITIES

Federal Agency	Mechanism/Activity	Recipient/Affected: Level of Government
National Wildfires Coordinating Group: Forest Service (Agriculture); Weather Service (Committee); Bureau of Land Management (International); National Association of State Foresters	Training Information Communications Fire support (equipment, data, back-up crews)	S,L
Department of Agriculture		
Farmers Home Administration	Loans 10.423	L
Forest Service	Contracts	S,L
	Grants (F) 10.664	S
	Equipment loans 10.656	S
	Grants 10.662 (P/F)	S,L
	Grants (P) 10.651	S
	Grants (P) 10.652	S
	Grants (F) 10.657	S
	Technical assistance	S
	Training	S
	Cooperative data collection and sharing	S,L
	Research	S
Science and Education Administration	Grants (F) 10.877	S
	Grants (F) 10.878	S
	Technical assistance 10.883	S
Rural Development Administration	Loans for economic development	L
Soil Conservation Service	Grants (P) 10.901	S
	Technical assistance	S,L
Department of Commerce		
Assistant Secretary for Maritime Affairs	Technical assistance	S,L, port authorities
Assistant Secretary for Economic Development	Grants (P) 11.308	S,L,R
	Grants (P) 11.300; 11.307	S,L,R
	Loans 11.300; 11.308	S,L,R
National Bureau of Standards	Research	S,L
	Technical assistance	S,L
	Exchange research personnel	S,L
	Secretariat operations	S (Conf. of States on Building Codes)

AFFECTING FIRE PREVENTION AND CONTROL, 1979

Federal Agency Purpose	Recipient/Affected: Probable Use
Fire control and suppression	Fire control and suppression
Improvement of rural community facilities	Construction of fire facilities
Fire suppression	Fire suppression
Cooperative forest fire control	Fire prevention, control, and suppression
Cooperative forest fire control	Fire control and suppression
Rural community fire protection	Rural fire protection
Forestry cooperative research	Increased information
Forestry research	General forest improvement
Cooperative forestry management and processing	Improve forest management
Fire protection and suppression	Prevent and suppress fires
Forestry personnel development	Improve personnel capability
Information	Improve information availability
Forest conservation and wood use	Protection and use of forest products
Cooperative forestry research	Forest fire prevention research
Research to promote sound rural life	Improve fire fighting capability
Dissemination of technical information	Improve fire service capability
Rural economic development	Construct/improve fire facilities
Resource conservation and development	Improve soil conservation
Resource conservation and development	Improve soil conservation
Harbor and vessel safety	Port fire protection
Promote economic growth by public facilities construction	Planning and facilities for fire services
Public works and development facilities to aid adjustment	Construct water supply systems, fire stations
Economic development, adjustment	Construct water supply systems, fire stations
Fire prevention; product safety	Improve fire service, protect personnel
Disemminate information; assist on building codes	Improve fire service, protect personnel
Secure expert assistance	Broaden expertise in research
Coordinate; assist	Assistance

Table 1

SIGNIFICANT FEDERAL INTERGOVERNMENTAL ACTIVITIES

Federal Agency	Mechanism/Activity	Recipient/Affected: Level of Government
National Oceanic and Atmospheric Administration	Weather forcasting	S,L
	Arson program development	S,L
	Assess state and local capability in regard to arson investigation and detection	S,L
Department of Energy		
Energy Research Center	Research, information	S,L
Department of Health, Education and Welfare		
Public Health Service (including National Institutes of Health)	Sets and enforces building standards	S,L
	Data collection on occupational fire incidents	S,L
	Research on occupational safety	S,L
	Behavioral research—arson	S,L
	Grants (P) 13.262	S,L
	Grants (P) 13.263	S,L
	Grants (P) 13.887	S,L
	Loans	S,L
	Grants (P) 13.284	S,L,R
	Grants (P) 13.287	S,L
Social Security Administration	Review and enforce safety standards	S,L
Office of Education	Grants (F) 13.493; 13.499 (F)	S
	Technical assistance	S
Department of Housing and Urban Development		
Federal Housing Commissioner	Sets minimum property standards	S,L
	Technical assistance	S,L
	Contracts	S,L
Community Planning and Development	Grants (P-F,P) 14.218,14.219	L
	Grants (P) 14.211 (Action grants)	L
	Grants (P) 14.203 ("701")	S,L,R
	Agreements	S,L
	Technical assistance	S,L

AFFECTING FIRE PREVENTION AND CONTROL, 1979 (cont.)

Federal Agency Purpose	Recipient/Affected: Probable Use
Provide information	Fire suppression, prevent spread
Assist federal, state, and local governments in improving arson prevention, detection, control	Improve arson detection and prevention
Advice	Improve arson detection and prevention
Fire protection in energy-related areas	Improve fire service capability, delivery
Safety in federally assisted health care facilities	Improve health facility safety
Secure information	Reduce fire incidents
Secure information, promote safety	Fire prevention
Understand behavior	Fire prevention
Research to improve occupational safety and health	Research on eliminating safety hazards
Improve training for occupational safety and health	Fire prevention training
Insure safety in medical care facilities	Prevent or eliminate fire hazards in medical care facilities
Insure safety in medical care facilities	Improve safety in medical care facilities
Encourage areawide emergency medical service systems	Improve emergency medical services
Train emergency personnel	Train emergency medical personnel
Safety in health care facilities receiving medicare	Improve safety of health facilities
Vocational education	Train fire-related personnel
Encourage educational planning	Develop educational plans
Health and safety	Improve housing safety in public housing
Information and assistance	Improve housing safety in public housing
Promote technical assistance	Improve housing safety in public housing
Develop viable communities; delete hazards	Develop safer and more livable communities
Alleviate deterioration; revitalize areas	Upgrade building safety
Improve planning capability; areawide cooperation	Train planners
Research on safety	Improve safety capability
Improve capability; assist	Plan safer and more livable communities

Table 1

SIGNIFICANT FEDERAL INTERGOVERNMENTAL ACTIVITIES

Federal Agency	Mechanism/Activity	Recipient/Affected: Level of Government
Policy Development and Research	Research	S,L
	Demonstrations	S,L
	Grants (P) 14.506	S,L
Consumer Affairs and Regulatory Functions	*Information*	
	Enforcement	
Department of the Interior		
Bureau of Mines	Grants (P) 15.301	S,L
	Technical assistance 15.304	S,L
Bureau of Indian Affairs	Mutual aid agreements	S,L
Bureau of Land Management	Mutual aid agreements	S,L
Department of Justice		
Law Enforcement Assistance Administration	Grants (F,P) 16,502	S
	Grants (P) 16.503	S,L
	Grants (P) 16.513	S,L
	Research	S,L
	Coordination	L
	Technical information	S
Federal Bureau of Investigation	Data collection; arson	S,L
Department of Labor		
Occupational Safety and Health Administration	Data collection	S
	Technical assistance and advice	S,L
	Grants (P) 17.500	S
	Training	S,L
Mine Safety and Health Administration	Grants (P) 17.600	S,L
	Training centers	S
	Research	S,L
	Technical assistance 17.601	S,L
Employment and Training Administration	Grants (F) 17.232	S,L
	Grants (F) 17.232	S,L
	Technical assistance	S,L
Department of Transportation		
Coast Guard	Regulates fire protection in ports	L, port authorities
	Enforces federal and state boating and safety laws	L, port authorities

AFFECTING FIRE PREVENTION AND CONTROL, 1979 (cont.)

Federal Agency Purpose	Recipient/Affected: Probable Use
Housing and mobile home safety	Delete mobile home hazards
Housing safety	Improve housing safety
Promote research on community problems, housing	Research on housing safety and problems
Cooperative enforcement of mobile homes safety standards	Insure mobile home safety
Promote coal mine safety	Prevent and control mine fires
Efficient recovery of nonfuel minerals	Prevent and control mine fires
Fire suppression on Bureau lands	Suppress fires
Fire suppression on Bureau lands	Suppress fires
Improve law enforcement	Facilitate emergency communications
Provide technical assistance	Training, technical information
Improve professional training	Prevent and detect arson
Information on arson	Prevent and detect arson
Improve arson control	Determine arson incidence
Crime statistics collection	Determine arson incidence
Arson prevention	Determine arson incidence, methods
Determine incidence and causes of accidents	
To insure safe and healthful working conditions	Supply information, use data for planning
Administrative and enforcement programs, including mine safety	Improve occupational safety Inspection, safety and rescue training
Improve occupational safety	Inspection, safety and rescue training
Promote mine safety	Prevent and control fires
Safety training	Prevent and control fires, improve rescues
Promote mine safety	Promote mine safety
Promote mine safety	Promote mine safety
Increase employability of disadvantaged (CETA)	Fire service training
Train public service employees (Manpower)	Fire service training
Training of disadvantaged (CETA)	Fire service training
Improve harbor and vessel safety	Improve local firefighting capability
Improve boat safety	Improve boating safety

Table 1

SIGNIFICANT FEDERAL INTERGOVERNMENTAL ACTIVITIES

Federal Agency	Mechanism/Activity	Recipient/Affected: Level of Government
Federal Aviation Administration	Grants (P) 20.102	S,L, other airport authorities
	Develops standards and regulations	S,L, other airport authorities
	Inspections	S,L, other airport authorities
	Reviews airport certification	S,L, other airport authorities
	Technical assistance	S,L, other airport authorities
Federal Railroad Administration	Grants (P) 20.303	S
	Technical assistance	S
National Highway Traffic Safety Administration	Grants (F) 20.600	S
	Technical assistance	S
	Development of standards	S
Urban Mass Transportation	Grants (P) 20.504; 20.506; 20.505	L
	Research (P) 20.502; 20.504; 20.502	L
	Demonstration grants 20.506	L
	Standards	L
Materials Transportation Bureau	Grants (F) 20.700	S
	Training and safety programs	S,L
	Advice	S
	Standards	S,L
Department of the Treasury		
Office of Revenue Sharing	Revenue sharing funds (F)	S,L
Bureau of Government Financial Operations	Reimbursement	S,L
Bureau of Alcohol, Tobacco and Firearms	Technical assistance	S,L
Office of Personnel Management		
Intergovernmental Personnel Programs	Grants (P) 27.009	S,L
Consumer Product Safety Commission	Data collected	S,L
	Information	S,L
	Joint use of personnel	S,L
Federal Communications Commission	Regulation of radio services	S,L

AFFECTING FIRE PREVENTION AND CONTROL, 1979 (cont.)

Federal Agency Purpose	Recipient/Affected: Probable Use
Improve air crash survivability	Construction, equipment, and operation of airport fire services
Improve air crash survivability	Improve fire fighting capability
Improve air crash survivability	Assure fire fighting capability
Improve air crash survivability	Assure fire fighting capability
Improve air crash survivability	Improve airport safety
Improve railroad safety	Improve railroad safety
Improve railroad safety	Improve railroad safety
Provide coordinated highway safety program	Improve highway safety
Promote highway safety	Improve highway safety
Promote highway safety	Improve highway safety
Promote urban mass transportation	Improve mass transit
Promote urban mass transportation	Improve mass transit
Promote urban mass transportation	Improve mass transit
Promote urban mass transportation	Improve mass transit
Promote pipeline safety	Insure pipeline safety
Safe transport of hazardous materials	Train safety enforcement personnel
Safe transport of hazardous materials	Safe transport of hazardous materials
Safe transport of hazardous materials	Safe transport of hazardous materials
Broaden local discretion	Local priorities including fire protection
Protection of federal property by nonfederal firefighters	Fire protection
Aid in arson investigation	Improve arson investigations
Improve personnel management, development	Improve personnel management capability
Obtain injury and hazard information	Provide the data, promote safety
Disemminate burn and hazard information	Improve recovery from burns
Investigate violations of federal law	Improve safety
Promote safety; strengthen defense	Maintain communications

SIGNIFICANT FEDERAL INTERGOVERNMENTAL ACTIVITIES

Federal Agency	Mechanism/Activity	Recipient/Affected: Level of Government
Federal Emergency Management Administration		
Defense Civil Preparedness Agency	Develops standards	S,L
	Technical assistance	S,L
	Training and joint use of personnel	L
	Grants (F) 12.315	S
	Grants (P) 12.319	S,L
	Grants (P) 12.321	S,L
	Grants (F/P) 12.319; 12.321	S,L
	Personal property loans 12.322	S,L
Federal Disaster Assistance Administration	Grants (P) 14.701	S,L
	Grants (P) 14.702	S
	Property loans	S,L
	Financial loans	L
	Technical assistance	S,L
Federal Preparedness Agency	Research	S,L,R
	Training	S,L,R
U.S. Fire Administration	Grants (P) 11.700	S
	Grants (P) 11.701	S
	Research	S,L,R
	Training	S,L
	Data collection and dissemination	S,L
	Technical assistance	S,L,R
	Educational resources	S,L,R
	Liaison	S,L,R
General Services Administration		
Federal Supply Service	Gifts of surplus property 39.002, 39.003	S,L
	Sales of surplus property 39.002, 39.003, 39.007	S,L
Public Building Service	Cooperative fire suppression	S,L
National Aeronautics and Space Administration	Research	S,L
	Fiscal agreements	L (with NASA facilities)

AFFECTING FIRE PREVENTION AND CONTROL, 1979 (cont.)

Federal Agency Purpose	Recipient/Affected: Probable Use
Improve fire equipment for civil defense	Improve fire service equipment
Improve civil defense capability	Improve fire service delivery
Improve fire fighting for civil defense	Improve fire service delivery: fire chief, civil defense director
Personnel and administrative expenses	Personnel compensation administration
Maintenance and services	Maintenance, training, supplies
Provide supporting materials	Purchase of emergency equipment
Establish operating centers for civil defense	Establish, equip, maintain centers
Standby or emergencies—civil defense	Secure emergency equipment on loan
Restore public facilities, operations	Restore public services
Plan for disaster preparedness	Plan for disaster preparedness
Provide assistance	Restore property use
Provide assistance	Replace destroyed facilities
Provide assistance	Recover from disasters
Emergency preparedness	Plan for emergencies
Emergency preparedness	Train personnel for emergencies
Academy planning assistance: development of training and education in fire prevention and control	State fire plan and education and training plan development
Accurate data collection and dissemination	Development of statewide fire incident and casualty reporting system
Improve fire prevention and control	Improve fire service delivery, personnel safety
Train fire training instructors	Improve training
Secure valid information	Fire planning and service delivery
Provide assistance	Promote fire protection, personnel safety
Provide assistance	Promote fire protection, personnel safety
Coordination, information federal fire activities	Improve fire service
Dispose of surplus property	Secure equipment, supplies
Dispose of surplus property	Secure equipment, supplies
Protect federal property	Fire suppression
Increase safety in space activities	Protect personnel
Protect personnel, facilities, equipment	Improve facilities, equipment, capability

Table 1

SIGNIFICANT FEDERAL INTERGOVERNMENTAL ACTIVITIES

Federal Agency	Mechanism/Activity	Recipient/Affected: Level of Government
National Transportation Safety Board	Cooperative accident investigation	S
	Recommendations	S,L
	Regulations for accident reports	S,L
Nuclear Regulatory Commission	Agreements	S
	Regulations	
National Academy of Sciences		
National Research Council—National Fire Committee	Cooperative research	S,L
National Science Foundation	Grants (P) 47.041	S,L
	Research contracts	S,L
	Technical assistance	S,L
Transportation Safety Institute	Training	S,L

KEY: P—Project grants
F—Formula grants
S—State
L—Local
R—Regional

Department of Labor, for example, is attempting to promote the training and employment of the disadvantaged under its *Comprehensive Employment and Training Act* (CETA) and manpower programs rather than to improve fire protection. Nevertheless the training provided for prospective fire fighters or emergency medical personnel improves the capability of the local fire service. Similarly the activities of the Federal Housing Administrator in setting housing standards, the work of the Federal Communications Commission in regulating radio communications, and the efforts of the Office of Education in vocational education, to name a few, contribute to fire protection as byproducts of other programs.

Certain other federal activities are related more directly to the actual delivery of fire protection at the local level. The work of the Forest Service in the Rural Community Fire Protection Program and efforts of the U.S. Fire Administration in collecting data, training fire instructors, and promoting master planning for fire protection, among other activities, have as their basic purpose the improvement of the quality of local fire service delivery, thus making the federal government a partner in attaining that goal. This constitutes a new area of federal policy. It also breeches one of the last bastions of major activity previously reserved for local government.

U.S. FIRE ADMINISTRATION RESPONSIBILITIES

The Federal Fire Prevention and Control Act of 1974[1] established the National Fire

AFFECTING FIRE PREVENTION AND CONTROL, 1979 (cont.)

Federal Agency Purpose	Recipient/Affected: Probable Use
Promote transportation safety	Promote transportation safety
Promote transportation safety	Promote transportation safety
Promote transportation safety	Promote transportation safety
Promote safety in handling of nuclear materials and plant construction	Promote safety
Promote fire research	Increase knowledge of fire
Promote progress of science	Increase knowledge of fire
Meet national needs	Improve fire prevention capabilities
Further knowledge, safety	Improve fire prevention capabilities
Promote transportation safety	Train employees

SOURCE: Compiled by the Advisory Commission on Intergovernmental Relations staff from a variety of sources. Grant numbers are from Executive Office of the President, Office of Management and Budget, *1978 Catalog of Federal Domestic Assistance*, Washington, DC, U.S. Government Printing Office, May 1978.

Prevention and Control Administration in the Department of Commerce. Because of confusion with the National Fire Protection Association, a private organization long active in fire prevention, the agency later was renamed the U.S. Fire Administration[2] and transferred in 1979 to the new Federal Emergency Management Agency.[3]

The U.S. Fire Administration has the general responsibility for coordination of fire efforts on the federal level, although its ability to do so is limited by its lack of means of persuading some agencies to comply. Its activities are reflected in its four original operating components: the National Fire Data Center, the National Academy for Fire Prevention and Control, the Public Education Office (now the Office of Planning and Education), and the National Fire Safety and Research Office. The Data Center collects, analyzes, and disseminates data on fire incidence and causes in order to provide state and local governments, the fire services, federal agencies, and others involved in fire activities with the best possible information with which to plan and operate. It also works with state and local governments in developing more accurate data reporting systems. The Academy concentrates on curriculum development and training of fire service personnel and others engaged in fire prevention and control and conducts a special program to train those who investigate and work to prevent arson. The Public Education Office develops plans and materials for public education in regard to fire and cooperates with a variety of organizations, both public and private, in promoting fire prevention education.

The National Fire Safety and Research Office formerly served as a center for applied technical and management research, focusing on the development of better fire fighting apparel and equipment, the effectiveness and efficiency of the fire services, and improvement in fire safety for buildings. The functions of this office recently were divided among the other sections with most going to the National Fire Data Center. The research and safety office was abolished.

The agency's research function is shared with the Fire Research Center of the National Bureau of Standards. The Center has responsibility for basic research while USFA concentrates on applied aspects. By agreement and because of regular interactions between staff, the two research programs are coordinated closely. Approximately one-third of the Fire Administration budget is earmarked for the Fire Research Center.[4]

The Fire Administration also has substantial responsibilities in the field of arson prevention and detection and in regard to the evaluation of, and improvements in, state and local fire prevention codes and building codes. It aids in the improvement of fire services as well.

Two small grant-in-aid programs are administered by the U.S. Fire Administration and two others are in the testing stage. Its academy planning assistance grants are made to assist states in the development of training and education in the fire prevention and control area. The project grants may be used only for the development of statewide fire plans or statewide fire education and training plans. State fire incident reporting assistance grants are made to assist states in the establishment and operation of a statewide fire incident and casualty reporting system. They also are project grants and can range up to $20,000 for each state. Grants for master planning and public education are being tested. An estimated $3 million in grants will be awarded in 1979 according to a U.S. Fire Administration estimate.

RURAL COMMUNITY FIRE PROTECTION PROGRAM

The Rural Community Fire Protection Program was established as a pilot program by Title IV of *The Rural Development Act of 1972*.[5] Although Section 7 of *The Cooperative Forestry Assistance Act of 1978*[6] incorporated the program into other cooperative fire protection programs, it still is administered separately by the Forest Service through state foresters (administrators in Puerto Rico, Guam, and the Virgin Islands). Along with technical assistance it provides federal grants-in-aid to states for projects by local governments, private or public nonprofit organizations, and other residents in rural communities under 10,000 population for fire protection in unprotected or inadequately protected rural areas. The project grants may be used for planning assistance, organization and training of fire fighting units, purchase of equipment, conversion of federal excess personal property for fire fighting purposes, purchase of communications equipment, and other projects that will improve local fire service activities. Funds cannot be used to meet operating costs. Federal assistance is limited to 50% of the actual expenditure. In addition the federal share of the cost of any unit of fire apparatus is limited to a maximum of $22,500, with adjustments for the Consumer Price Index.[7]

Although Congress authorized the Rural Community Fire Protection Program in 1972, it did not fund it until FY 1975. Consequently the program has operated only for a short time. In 1978 it was reenacted as part of *The Cooperative Forest Assistance Act of 1978* and the authorization ceiling was removed. Appropriations have been the same for each year since the program began—$3.5 million. The Carter Administration requested no funding for it for 1979 and 1980;[8] Nevertheless, Congress provided funds for FY 1979. At this writing, the 1980 appropriation bills have not been enacted. More than 2,800 grants were made under agreements between state foresters and rural communities in 1978, and it is estimated that the number will be comparable for 1979.[9]

FOOTNOTES

[1]P.L. 93-498; 15 U.S.C. 2201 et seq., 1976.
[2]P.L. 95-422; 92 Stat. 932.
[3]*Reorganization Plan No. 3, 1978. Message from the President of the United States Transmitting A Reorganization Plan to Improve Federal Emergency Management and Assistance, Pursuant to 5 U.S.C. 903 (91 Stat. 30)*, Washington, DC, U.S. Government Printing Office, June 1978.
[4]*Fourth Annual Report of the Secretary of Commerce on Implementation of the Federal Fire Prevention and Control Act of 1974, Report for Calendar Year 1977*, Washington, DC, U.S. Government Printing Office, July 1978, passim.
[5]P.L. 92-419.
[6]P.L. 95-313; 92 Stat. 365.
[7]*Facts on Rural Development Resources*, Washington, DC, U.S. Department of Agriculture, Rural Development Service, May 1975. See also, *Rural Community Fire Protection*, Program Aid-1196, Washington, DC, U.S. Department of Agriculture, Forest Service, October 1977.
[8]*1979 Budget of the United States Government, Appendix*, Washington, DC, U.S. Government Printing Office, 1978, p. 160. The budget documents explain that other program assistance is available for this purpose.
[9]*Ibid.*

Questions On Federal Involvement

Federal involvement in what has been labeled correctly as the most local activity raises some interesting analytical questions:

- How did the federal government become involved in primarily local functions?
- Why did the issue arise at this particular time?
- Who were the individuals, organizations, and groups primarily responsible for the adoption of new federal policies?
- What were they trying to do?
- What outside events contributed to the adoption of the programs?
- What alternatives, if any, were considered for the programs?
- How are states involved in the administration of the programs?
- What problems arose in implementation of the programs?

Furthermore the establishment of a new federal policy stream poses questions in regard to its future development:

- Will the present limited federal fire functions expand as is usually true of grant programs?
- Are there forces working for this expansion?
- What can be expected for the future?

In brief the two case studies presented here illustrate what might be termed *pragmatic federalism*. That is,

> . . . a constantly adjusting arrangement fashioned to current needs with an emphasis on problem solving and a minimal adherence to rigid doctrine. A problem solved in one manner at a given time and place may be solved differently in another period and setting. As each change occurs, the entire system adjusts, even if ever so slightly.[1]

For the most part establishment of these programs involved no great debates on the appropriate role of the national government. Only a few individuals were concerned with national intrusion into local activities, and most of them were outside the Congress. Members of that body were trying to solve a problem that had been brought to their attention in the only way they could—by enacting federal legislation.

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[1]Parris N. Glendening and Mavis Mann Reeves, *Pragmatic Federalism: An Intergovernmental View of American Government*, Pacific Palisades, CA, Palisades Publishers, 1977, p. 8.

National Policy Streams

Three streams of national policy, each with its own environmental base, actors, and developments, encouraged the widening range of federal fire functions. These three policy areas—protection of national forests, defense (especially civil defense), and science—provided the major impetus to expanded federal fire activity. Other federal policy streams, particularly consumer protection and rural economic development, were used as vehicles for advancing fire programs at one time or another; nonetheless, the origins of federal fire policy rest in forest protection, civil defense, and science policies.

The existing policy streams were emphasized differently in the development of the two programs considered here. The Rural Community Fire Protection Program had its origins and major stimulation, almost to the time of enactment, from the efforts of the Forest Service to protect national forests. The Fire Administration, on the other hand, is rooted in the scientific and defense streams of national policy, although it owes some debt to the forestry program as well.

Each federal policy stream had its own group of actors involved in the development of fire policies, although there was some overlapping. The Congress, particularly through its committees, and the President influenced all streams as might be expected.

In the forestry stream the Forest Service and the state foresters engaged in the major

sustaining activities over the years. Important as well was the civil defense program, which was a major stimulus at certain points. From time to time certain members of the Congress with special ties to rural areas engaged in enlarging the scope of Forest Service fire activities. In this stream the fire services played an occasional, but not overly important, role.

Major participants in the defense area were centered in the Office of Civil Defense (OCD) (or Civil Defense Mobilization, depending on the time period). In particular James Kerr, director of OCD, was a leading actor, although the Forest Service, the National Bureau of Standards (NBS), and the national fire service organizations were involved as well.

The scientific stream was much more complex. The network of academicians and scientists-practioners with the National Academy of Science-National Research Council's Committee on Fire Research, those engaged in fire research at NBS, and the Federal Council on Science and Technology played the most significant continuous role. Also important were administrators at Commerce and NBS, along with those at the Bureau of the Budget (later Office of Management and Budget). More than the two other policy areas involved in fire developments, the scientific stream was the object of interest group activity. The fire service organizations, the cities, and various insurance groups influenced policy here. After the adoption of *The Fire Research and Safety Act of 1968,* the National Commission on Fire Prevention and Control made major contributions.

MAJOR EVENTS INFLUENCING POLICY STREAMS

The forestry, defense, and scientific streams in federal policy as well as some important activities relating to the two programs under consideration predate World War II. On the other hand most of the activities within these policy streams which resulted in the adoption of federal fire policies occurred during the period between World War II and the late 1970s. The 40 years between 1939 and 1979 witnessed some dramatic events. In addition to World War II, within this time span were two other armed conflicts in which Americans were engaged—the Korean and Vietnam Wars —along with an interwar period so fraught with suspicion and fear that it was termed the Cold War. Americans learned with horror the terrible power of the atomic bomb—and only later realized its potential for supplying energy. They watched in frustration as the Russian Sputnik circled the earth, regaining their pride in national scientific accomplishment only when Neil Armstrong walked on the moon.

Internal friction reached a high level as the civil rights movement gained momentum and one of its leaders was struck by an assassin's bullet, less than five years after a young President died in a similar fashion. Most participated in what came to be called the urban crisis. They favored the federal government's moves to fight a "war on poverty," at least for awhile, and began to look to the national government to solve problems formerly left to state and local governments. They saw consumers and environmentalists come into their own and witnessed rising demands from other groups. They feared for public safety. They experienced for the first time in history the beginning of an age of scarcity in land and natural resources in America.

Within this turmoil developed the forces that precipitated federal involvement in the delivery of local fire services. Some of the events of these dramatic four decades influenced directly the policy streams involved. Others simply fertilized the ground from which policies emerged.

Establishment Of The U.S. Fire Administration

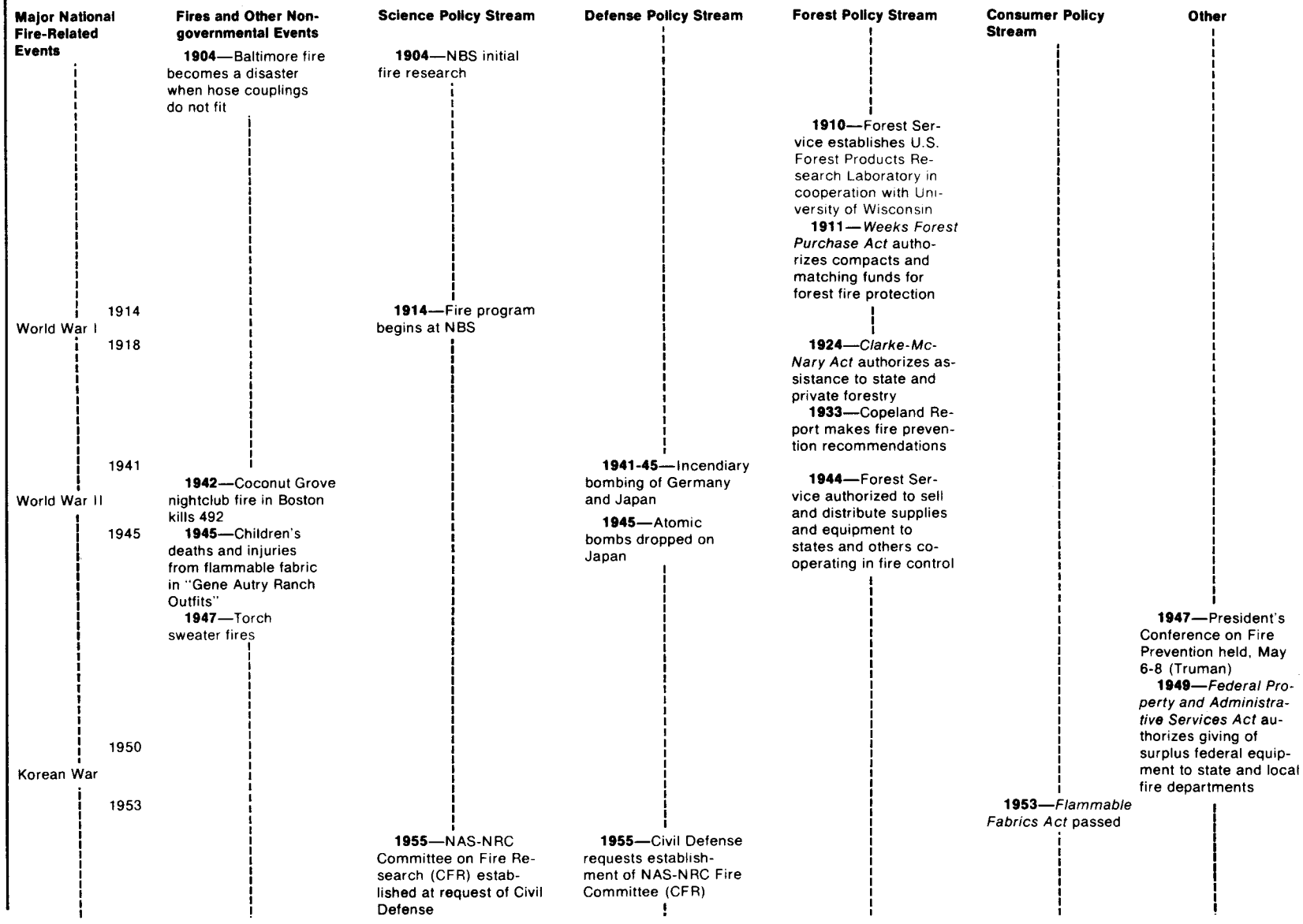
The key events leading to the creation of the U.S. Fire Administration (USFA) are set out in *Figures 1 and 2.* Included in *Figure 1* are major national activities that influenced fire policy (i.e., World War II), fire-related events outside government (the late 1960s riots), and happenings in the major policy streams as well as some others that led to the enactment of *The Fire Research and Safety Act of 1968.* This act did not establish the Fire Administration; however, it was crucial to the passage of *The Federal Fire Prevention and Control Act of 1974,* which did. *Figure 2* gives the chronology of developments between 1968 and the present that have had significant effect on the Fire Administration. Some of these developments are more important than others. Similarly some individuals and groups that participated played more significant roles than others. Federal policy streams ebbed and flowed as well in their significance as conduits for greater federal involvement. Civil defense in particular had uneven surges throughout the period, although it usually was involved.

EARLY ROOTS IN THE SCIENTIFIC STREAM

The agency has its roots in the early fire research of the National Bureau of Standards (NBS). Major fires throughout the country

Figure 1

PHASE I POLICY MAKING: CHRONOLOGY OF EVENTS LEADING TO ENACTMENT OF THE FIRE RESEARCH AND SAFETY ACT OF 1968



Mid 1950s—Decision to move NBS

1956—National Conferences on Fire Research sponsored by CFR

1957—2nd Conference on Fire Research sponsored by CFR

1958—Our Lady of Angels School fire in Chicago kills 95

1958—Forest Service authorized to transfer fire lookout towers and other unneeded structures and connecting land (if outside national forests) to states and localities

1959—A proposed fire research program issued by CFR

1959—Forest Service establishes regional laboratory at localities

1959—Forest Service establishes regional laboratory at Macon, GA

1960—IAFC adopts resolution approving civil defense plans for fire services

1960—OCDM Director establishes National Fire Defense Advisory Commission that recommends first national fire plan, designating fire services as arm of Civil Defense and staff and command schools for fire chiefs

1960—Forest Service establishes regional laboratory at Missoula, MT

1960-65—Navy and Civil Defense contract with NBS for fire research

1961—Bel Air and Brentwood, CA, fire—worst in North America since 1923

1961—Woods Hole Conference, sponsored by CFR, recommends expanded federal role in *A Study of Fire Problems*

1961—First staff and command school for fire chiefs at Battle Creek, MI, sponsored by Civil Defense

1962 Cuban Missile Crisis

1962—IAFC resolutions favor creation of a division of fire technology in Commerce and a federal fire spokesman

1962—Commerce Department proposes a division of fire technology

1962—Second staff and command school sponsored by Civil Defense

1962—Beginning of annual Asilomar Conferences on fire research

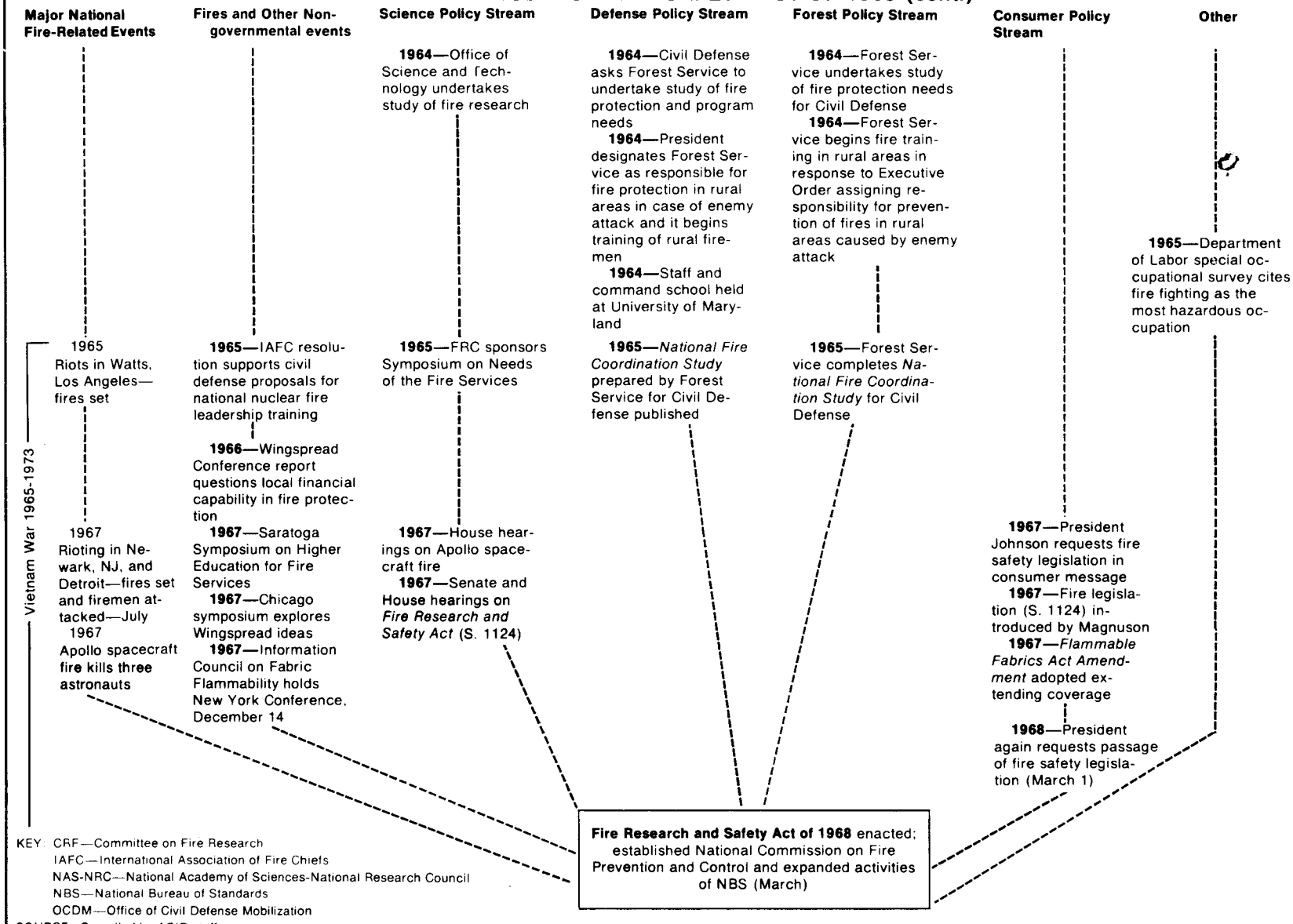
1963—IAFC resolutions support federal funds for fire research and continuation of staff and command schools

1963—NBS requests funds for regional fire research centers

1963—Forest Service establishes regional laboratory at Riverside, CA

Figure 1

PHASE I POLICY MAKING: CHRONOLOGY OF EVENTS LEADING TO ENACTMENT OF THE FIRE RESEARCH AND SAFETY ACT OF 1968 (cont.)



KEY: CRF—Committee on Fire Research
IAFC—International Association of Fire Chiefs
NAS-NRC—National Academy of Sciences-National Research Council
NBS—National Bureau of Standards
OCDM—Office of Civil Defense Mobilization

SOURCE: Compiled by ACIR staff.

Figure 2

PHASE II POLICY MAKING: CHRONOLOGY OF EVENTS AFFECTING THE U.S. FIRE ADMINISTRATION, 1968-79

Vietnam War 1965-1973

Nongovernmental Events

1968—Riots in Washington, DC

1970—Williamsburg Conference—Joint Council of National Fire Service Organizations Formed.

1972—National League of Cities surveys fire chiefs

1972—Sen. Magnuson and Dr. Abraham Bergman appear on TV program

Science Policy Stream

1970—NAS Symposium on Training and Education in the Fire Services

Fire Policy Stream

1968—*Fire Research and Safety Act of 1968* enacted (March) (established National Commission on Fire Prevention and Control (NCFPC); expanded fire functions of NBS)

1970—President Nixon appointed National Commission (November)

1971—NCFPC funded, began work (July)

1972—Sen. Mathias and Rep. Steele Introduced bills for fire academy and other fire bills

1972—House holds hearings on fire problem

1973—At least 173 pieces of fire legislation introduced in Congress

1973—Sen. Magnuson and Rep. Patman introduced committee bills—"Fire Prevention and Control Act of 1973"; S. 1769 passed Senate; House hearings held

1974—Federal Fire Prevention and Control Act of 1974 enacted (October) (Established Fire Prevention and Control Administration (FPCA); Fire Research Center in NBS

1975—President Ford appointed Administrator and deputy administrator

1976—Secretary of Commerce appointed superintendent of Academy

1977—Campus of Marjorie Webster College in Washington, DC, selected as site for Fire Academy

1978—NFPCA name changed to U.S. Fire Administration; arson functions expanded; sale of Marjorie Webster site authorized

1979—New Academy site selected: St. Joseph's College Campus, Emmittsburg, MD

1979—USFA and Defense Civil Preparedness Agency transferred to Federal Emergency Management Agency by Reorganization Plan No. 3.

Consumer Policy Stream

1972—Sen. Mathias and Rep. Steele introduced flammable fabrics legislation

1972—Sen. Magnuson and Dr. Abraham Bergman appeared on TV program on clothing burns; Commerce Department received 3,000 letters urging stricter standards for children's sleepwear

Forestry Policy Stream and Other

1968—Law Enforcement Assistance Administration established (June)

1971—Bureau of the Census held conference on fire data needs

1972—*Cooperative Forestry Management Act* extended to urban areas

1972—Rural Community Fire Protection Program enacted

1973—More than 173 pieces of fire legislation introduced in Congress

KEY: NAS—National Academy of Sciences
NCFPC—National Commission on Fire Prevention and Control
NBS—National Bureau of Standards

SOURCE: Compiled by ACIR staff.

in the latter part of the 19th Century, including major conflagrations in Chicago, New York, Baltimore, and Richmond, VA, increased fire consciousness. Another Baltimore fire in 1904 had a special impact when 80 blocks of the city burned despite the efforts of 1,700 firemen. The 15 fire companies that came from as far away as New York City to assist in combatting the blaze were hampered when the threads in their hose couplings did not fit those on the fire hydrants.[1] In that same year NBS experienced a leaf fire on an outlying area of its own grounds and faced the same difficulties when hoses from two different buildings could not be connected to reach the fire. Fortunately the small fire was stamped out. Needless to say, the occurrence provoked considerable interest in fire hose couplings.[2] Knowledge that hose couplings and threads were not uniform was not first discovered in these incidents. The International Association of Fire Chiefs (IAFC) pointed up this problem at its first conference in 1873,[3] and the National Board of Fire Underwriters and the National Fire Protection Association (NFPA) had been advocating standard couplings for all fire departments for a quarter of a century. They received little support.[4] Couplings still are not standard, although an adapter has been developed to permit coupling of hoses and hydrants with different thread systems.

The NBS began fire research on a modest scale in 1904 when a decision was made to undertake a planned fire program. The Forest Service, in cooperation with the University of Wisconsin, already had begun research on the behavior of wood in fires in its Forest Products Research Laboratory at Madison, established in 1910. In 1914 Congress appropriated funds to NBS for a special investigation of the fire-resistant properties of building materials. Fires were claiming thousands of lives each year in the United States—ten times the rate of any European country. Furthermore many people were baffled that purportedly fireproof structures seemed to be destroyed as completely as older buildings with no such pretensions.[5] These problems were aggravated by the fact that when the masonry walls tumbled into the street, persons wishing to pass were inconvenienced (if not incapacitated). This fact particularly annoyed businessmen who lost customers and had difficulties with shipments and deliveries when such accidents occurred. In initiating a study of fire-resistant materials, the Department of Commerce and Labor, the Bureau's parent department, was responding to businessmen's concerns.[6]

When it surveyed city building codes, the Bureau engineers found them "full of the most absurd data regulating the properties of materials."[7] Apparently the code drafters assumed that brick, plaster, mortar, cement, and metals were equally fire-resistant and no account was taken of the varying compositions of these materials. Regulations had been established without a thorough knowledge of their melting points or their support limits when exposed to fire. In fact, the chief of NBS testified that, "The greatest [fire] losses are in cities having fire laws and regulations."[8]

The Bureau, in collaboration with the NFPA and the Underwriters' Laboratories, undertook a thorough study of the safety of building materials under the direction of Simon H. Ingberg, who also headed the Fire-Resistance Section established in the Heat Division less than a year later.[9] Although other sections of the Bureau contributed to the research on fire, the program was continued in the Heat Division until 1947 when it became part of the newly organized Building Technology Division. In 1966 following passage of *The Flammable Fabrics Act,* the program was fragmented; it only was combined into a single coordinated program in 1974[10] when the Fire Research Center was established.[11]

During the 1920s fire research accounted for a fairly significant part of the total NBS research, but as the rest of the NBS grew, fire research did not. It became an increasingly smaller portion of the Bureau's work.[12] NBS fire activities continued to be important, nonetheless. The compilation of building construction standards published in 1931 still serves as the basis for state and local building codes.[13]

Scientific interest in fire research was sustained to some degree by the Combustion Institute, a professional group organized in the 1930s by industry and academics. The

institute included a panel on fire research at a conference which produced papers for circulation among interested scientists.

THE 1940s: FIRES OF WAR

Fire disasters continued to plague the country, but little of significance in the science and defense streams affected federal fire policy until the 1940s. During that decade the incendiary bombing in World War II that killed more than one million people elsewhere in the world heightened interest in research on combustion and other fire concerns. This research was promoted largely by the Department of the Army and by civil defense organizations.

Several disastrous fires, especially the 1942 Coconut Grove fire in Boston that killed 492 people, and a rash of deaths and injuries associated with flammable clothing raised the level of concern. A number of children were killed or badly burned while wearing "Gene Autry Ranch Outfits." The material used in making the chaps proved to be unusually flammable. So was the brushed rayon used in the manufacture of some sweaters; consequently, several "torch sweater" deaths and injuries occurred around 1947.

In that year President Truman called the President's Conference on Fire Prevention. How much his decision was influenced by the events of the preceding years is impossible to determine. One authority on fire activities recalls that a successful conference on highway safety had just been held and attributes the Presidential initiative to Bruce Pielaski, head of the Arson Department of Fire Underwriters. Mr. Truman's brother worked for him as an arson investigator.[15] In any event the conference did not appear to have much impact except that its recommendations later were cited in a proposal for expanding the fire research activities of the NBS.[16] Important to this chain of events were recommendations for research on the nature of fires, for improvement in fire fighting methods and training, and for public education to increase public awareness of fire hazards.

As the decade closed Congress passed *The Federal Property and Administrative Services Act of 1949.*[17] This legislation authorized the gift of federal surplus property to state and local fire forces for defense-related and other activities.

THE 1950s: INTEREST BUILDS

With the advent of the 1950s, the consumer protection stream of federal policy interwined with the scientific policy stream and bore fruit. In response to pressures unleashed by the deaths and injuries resulting from unusually flammable clothing, Congress passed *The Flammable Fabrics Act* in 1953.[18] It had become apparent that danger from fire lay not only in forests and structures, but also in the flammability of wearing apparel and interior furnishings. This act, prohibiting the movement of highly flammable wearing apparel in interstate commerce, sometimes is called the "Torch Sweater Act" in reference to the clothing fires that led to its adoption.[19] The attention to fire needs and the recognition of NBS research provided by the fabrics legislation helped to sustain interest in other fire research areas.

Relocation Of NBS

One of the most significant developments of the 1950s in stimulating federal involvement in fire protection was a decision to move NBS from its northwest Washington facilities to new quarters at Gaithersburg, MD, a few miles outside the District of Columbia. This move provided the opportunity to think about a new focus for the Bureau's programs. In gathering ideas for the new facilities, members of the staff identified the hardware necessary for the projects they had wanted to pursue. In fire research the staff wished to study the effect of fire on the total building, not just on roof or walls, and needed additional fire laboratories for that purpose. They made an effort to develop an expanded program at this time because they did not want to forgo the opportunity to have new facilities included in the plans for the new site. Here might be an opportunity for increased and more sophisticated research.[20] It should be noted that "although the fire facilities were the first considered in planning the move, the costs so greatly exceeded previous estimates that no new construction funds

were assigned for the fire program." NBS Director A.F. Astin thought that with the support of the Committee on Fire Research, he could sell Congress on an appropriation for the special purpose fire facilities needed. Although a special fire research building was provided as a stopgap measure when the Van Ness site had to be vacated, the fire facilities at the Gaithersburg location are not considered adequate by those engaged in fire research.[21] Nevertheless possibilities began to be discussed.

Committee On Fire Research

In 1955 the National Academy of Sciences created the Committee on Fire Research at the request of the federal Civil Defense Administration and the Forest Service.[22] The academic scientific community also supported this move.[23] The Committee, originally chaired by Hoyt Hottel of MIT and later by Howard Emmons of Harvard,[24] was a small prestigious group of scientists and engineers, representing both the government and private sectors, that emphasized basic research. For awhile it was supplemented by a larger advisory conference. Its original objective was to promote research on technical problems associated with wartime fires, but it soon became apparent that peacetime fires were important.[25]

Until its dissolution in 1978, the Committee published a journal, *Fire Research Abstracts and Reviews*, as well as reports and proceedings of conferences and symposia. In 1956 it sponsored the first Fire Research Correlation Conference, bringing together those engaged in contract research.[26] A part of its financing, especially in support of the journal, came from the NBS. Although it focused on encouraging fire research, its sponsorship of conferences and symposia, publication of proceedings, and the general interaction of its small membership (originally about six) served to generate interest in federal funding for increased research and, above all, to provide an ongoing mechanism for sustaining this interest. John Rockett, long active in fire research, said the Committee "was the only voice in the wilderness for about 15 years."[27]

After extensive study, in 1958, the Committee prepared a "Proposed Fire Research Program" designed "to encourage more basic studies of the nature of 'unfriendly' combustion" and "proposed a more effective use of modern tools of fluid mechanics, chemical kinetics, applied mathematics, and operational research."[28] The program was published in 1959.[29] In addition to its technical recommendations relating to fire research, the Committee proposed: (1) federal expenditure, at an initial rate of $500,000 a year, to support fundamental fire research throughout the nation and under contract with one of the armed services research offices of the National Science Foundation; (2) expenditure of an additional $2,200,000 annually on in-house research by government agencies interested in fire; and (3) the formation of a fire research agency along the lines of the United Kingdom Joint Fire Research Organization.[30] This proposal apparently joined the scientific research community with NBS in urging increased federal funding for fire research. It began a period of sustained public expression of interest in increased federal fire activities.

Federal Council On Science And Technology

The National Academy of Sciences' Fire Research Committee's proposal was submitted to the Federal Council on Science and Technology. This group, composed of representatives from all federal agencies dealing with science, was established during the Eisenhower Administration to coordinate scientific work. James R. Killan, Jr., the President's science advisor, appointed an ad hoc committee composed of government agency representatives and chaired by Gerald Gallagher, director for technical liaison, Office of Civil Defense, to assess the Committee on Fire Research proposals.[31]

The Gallagher Committee met and concurred in the implementation of the first recommendation for support of fire research under contract or grant "under the aegis of a single agency," which it suggested should be NBS, with a line item in the budget after FY 1960. It also recommended that the Bureau provide leadership in developing an improved

system for dissemination of fire research results and that the National Science Foundation (NSF) support basic fire research and underwrite conferences devoted to the topic. The Gallagher Committee emphasized that no agency should be limited in carrying out programs responsive to its own needs by implementing the single-agency recommendation.[32] Following its recommendation the Office of Civil Defense Mobilization and the Department of Defense (DOD) transferred $250,000 for FY 1960 to the NBS to support out-of-house basic fire research.[33]

Forestry Activities

As the decade ended, the Forest Service established its first regional Forest Product Research Laboratory at Macon, GA. Within a few years additional laboratories were started at Missoula, MT, and Riverside, CA. Scientists at these institutions engaged in fire research as it related to wood. The work undertaken apparently spurred attempts at NBS to upgrade fire research.[34]

THE EARLY 1960s: THE QUICKENING

The decade of the 1960s was marked by intensified activity in the several policy streams that converged to create the U.S. Fire Administration. In the scientific stream efforts continued to place NBS in a lead role with regard to federal fire functions and to broaden the scope of its fire responsibilities.

Woods Hole Conference

Interest began to build with the Woods Hole Conference of July-August 1961, which the National Academy of Sciences' Committee on Fire Research sponsored. About 25 scientists and engineers met to study the fire problem. This group recommended the establishment within the federal government of a permanent group responsible for maintaining a balanced and integrated effort of fire-related research. It would assess continuously the complete program of fire prevention and suppression, including research and development, being carried out in the United States. Furthermore, it would arrange to perform work not financed adequately. This would take the form of financial support to private and public organizations already carrying out work in deficient areas. Where necessary it would contract for new work. The fire group also would encourage dissemination of information, urge state and local adoption of the best techniques, collect data, and support public education on fire prevention. It suggested an operating budget of $3 million and set forth detailed recommendations concerning its activities.[35]

Subsequently the Committee on Fire Research approved the Woods Hole recommendations to establish a federal fire group and arranged the proposed activities on the basis of priority. First priority went to fundamental research, followed by statistical studies of factors in fire control, operational studies of fire fighting and prefile planning, and controlled "burns" of condemned structures and selected forest areas. The findings of the Committee were passed along to Jerome B. Wiesner, special assistant to the President for science and chairman of the Federal Council on Science and Technology.[36]

Council On Science And Technology Action

In October 1961, the Council asked the Gallagher Committee to review and evaluate the Woods Hole study group's recommendations, which it did.

> The national problem of fire, particularly in respect to urban and industrial fires, merits much more serious attention from the federal government than it has received. If—(increased effort)—is to succeed, it is agreed that it must be given substantial organizational stature in the federal structure. . . . It is recommended that there be established in the Department of Commerce a fire office with a clear statement of mission aimed at accomplishment of the two functions (coordination, with responsibility for research and development in the urban field comparable to that now resting with the Forest Service in respect to forests and wild lands; and conducting an operational program for the urban and

industrial fire field) discussed above. $3,000,000—for the first year and perhaps three times this sum as the program develops—is reasonable if an effective organization is developed. . . . It is recommended that the Department of Commerce seek an appropriation in FY 1962 for organizing and staffing and in FY 1963 an appropriation of $3,000,000.[37]

Representatives of the Committee on Fire Research appeared before the Council on Science and Technology and made recommendations almost identical to those in the Woods Hole report. The Council responded favorably to increased fire research activity. Responsibility for implementation of the recommendations was assigned to the Department of Commerce, which later assigned the task to the National Bureau of Standards. Deputy Dir. I.C. Schoonover headed the NBS group developing implementation plans.[38]

Fire Research Conference Actions

In mid-June 1962 after the report of the Woods Hole Conference had been published, the Fire Research Conference (a group of 22 fire experts advisory to the Fire Research Committee) met to evaluate that report. The total membership present, including the Committee, was 18. The Fire Research Conference voted unanimously in favor of federal action in support of basic fire research. Opposition on some detailed items ranged up to one-third, and on the establishment of a national fire group, 12 favored the recommendation with a minor wording change and six abstained.[39]

About the same time the chairman of the Committee on Fire Research appointed a subcommittee from among the Fire Research Conference members. Each member was connected with a federal agency interested in fire research. The subcommittee's task was to consider the effect of the proposed creation of a federal fire group or fire research office on existing federal fire programs. The subcommittee, chaired by R. L. Tuve, concluded that there was "need to strengthen and interrelate present fire effort in various federal agencies; the creation of a fire research office would strengthen work in existing agencies."[40]

NBS Actions

In the meantime NBS had requested funds for FY 1962 and 1963 to pick up federal research contract programs and to augment its own research. Each year, however, Congress reduced the total NBS budget request and the proposed expansion of the fire research program was not made.[41] The failure of NBS to begin expanding with the funds appropriated caused conflict with the Appropriations Subcommittee, with some members believing that NBS should proceed to establish the expanded program with the funds appropriated.

One participant in these events explained that the efforts of the Bureau to increase its capacity in fire research came as a result of the Gallagher report assigning the lead role in expanding federal participation to Commerce and from support for increased research by individual physicians. The doctors were concerned with the terrible cost of burns—physically, psychologically, and financially—to their patients and they organized an expensive lobby to support greater federal involvement.[42] Other forces also were working in support of NBS. The IAFC already was on record in support of a federal fire agency in the Department of Commerce and of expanded federal research,[43] although other fire groups were opposed.[44] The American Municipal Association also supported the expansion.[45]

SCHOONOVER GROUP PROPOSALS

Undeterred by its failure to gain increased resources, NBS came back in 1963 with the plans worked out by the Schoonover group. It proposed enlargement of the Bureau's fire technology program. This would involve a federally supported fire research laboratory that would serve as a pioneer research facility to point the way to technological advances in fire technology. Other moneys would support out-of-house fire research through contracts with other laboratories. NBS also proposed the establishment of regional fire centers,

patterned after the Department of Agriculture's extension program, in the Land Grant Colleges.[46] Additional stimulus for the creation of regional centers may have come from the establishment by the Forest Service of three regional Forest Products Research Laboratories.[47] The NBS regional centers would assist local and state authorities with education and training of fire fighters, develop a fire service curriculum in fire protection engineering, collect and disseminate information on causes and costs of fires, conduct field engineering evaluations for effectiveness of methods and new equipment for fire fighting, distribute information on construction and planning of communities for maximum fire safety, and engage in major applied fire research programs.[48]

BUDGET PROPOSALS

The Bureau requested for FY 1964 an additional $1.8 million for fire research and $400,000 for the planning and designing of a specific-purpose fire research laboratory.[49] The Bureau of the Budget reduced the amount for research to $1.2 million before including it in the President's budget request. As submitted to John Rooney's subcommittee of the House Appropriations Committee, the budget proposal appeared as shown in *Table 2.*

Even with the Bureau of the Budget reduction, the request was six times the then current appropriation of $200,000. It caused an uproar in the subcommittee at the time, according to Chairman Rooney.[50] In explaining the portion of the funds required for support of fire research in other laboratories, A.F. Astin, director of NBS, said:

> The Federal Council on Science and Technology for the past two years has urged NBS to assume a central responsibility for coordination and sponsorship of a comprehensive program of basic and applied research on the origin, mechanism, and control of fires. The request was based, in part, on the limited work NBS has been doing for a number of years as part of its building research program.

Astin went on to say that there had been plans for such a program for the past two years, but appropriations were insufficient to conduct an adequate program of fire research as envisioned by other agencies and advisory groups in the National Academy of Sciences. Because of their pressing requirements, the Department of Defense and the Office of Emergency Planning provided limited financing of the program on a temporary basis.[51]

The NBS request received support from the scientific community, the Factory Mutual Insurance Group,[52] and from the IAFC,[53] but again the NFPA, the National Board of Fire Underwriters, and American Mutual Insurance Alliance, and other groups were op-

Table 2

1963 BUDGET FOR FY 1964 FOR NBS FIRE RESEARCH, PROGRAM AND FINANCING

(thousands of dollars)

Program by Activities:	1962 Actual	1963 Estimate	1964 Estimate
1. Fire Research	—	—	$ 534
2. Regional Fire Centers	—	—	90
3. Program Administration	—	—	152
Total Program Costs Funded	—	—	776
Change in Selected Resources			474
Total Obligations (object class 25)			$1,200
Financing			
New Obligation Authority (appropriation)			$1,200

SOURCE: *The Budget of The United States, 1964, Appendix.* Washington, DC, U.S. Government Printing Office, 1963, p. 211.

posed. The latter group maintained that increasing federal activities would duplicate current actions in the private sector and that the federal government was out to "federalize the fire departments."[54] Regional centers were the focus of much criticism.[55]

The 1963 NBS request died in the House subcommittee,[56] and despite urging from some quarters, the Bureau did not try to have it reinstated in budget considerations before the Senate Appropriations Subcommittee. The Bureau believed that there was so much public opposition to the proposal from fire groups that it would be futile to continue efforts for passage at this time.[57]

Later in 1964 Schoonover called a meeting of interested individuals—chiefly those involved in fire research, engineering, and fire fighting—to clear up misunderstandings about the NBS proposal. His efforts were unsuccessful, and the Bureau did not resubmit its proposal for FY 1965. No out-of-house fire research items were included in the 1965 request. NBS did ask for funds for a fire research laboratory with "unique advanced facilities," involving a budget expenditure over five years from current level of $200,000 to a final level of between $1 million and $1.5 million.[58]

Basis Of Opposition

Fire service opponents to the Schoonover proposal and to subsequent NBS efforts to achieve its ends more indirectly were concerned primarily over what many perceived as a move to federalize the fire services. Even those generally favoring an increased federal role objected to this possibility. The fire services further expressed concern over what some considered a "power grab" at NBS and over the fact that fire activities at NBS in the past had been confined to research. As a consequence they believed that as far as the proposal for training of fire fighters was concerned, "the Bureau did not know what it was talking about."[59] Sentiments to this effect were expressed in a meeting with Assistant Secretary of Commerce J. Herbert Hollomon.

The Defense Stream

Although civil defense organizations had been involved in fire prevention activities in the 1950s, collecting fire information and supplementing inservice training,[60] with the onset of the 1960s the defense policy stream took on new significance with regard to federal fire policy. The 1962 Cuban Missile Crisis, which confronted the nation with the possibility of dealing with destructive missiles, increased international tensions and revived public interest in civil defense. In addition to the move to construct bomb shelters in many homes, renewed emphasis was placed on the use of the fire services as the principal arm of civil defense. As already established organizations with ongoing operations, the fire services provided a ready-made vehicle through which civil defense could be promoted.

Civil defense agencies took a number of steps to advance federal participation in fire activities. They provided substantial financial support for fire research, both to NBS and to others. The amounts awarded NBS between 1960 and 1966 are reflected in *Table 3*. (The Bureau had done a substantial portion of its fire research on contract for other agencies almost from the start.) Civil defense also aided the formation of a fire research information network by bringing together its research contractors. For about ten years beginning in 1962, it sponsored annual fire research conferences at Asilomar, a State of California conference center at Monterey.[61]

Table 3

SOURCE OF NBS FUNDING FOR FIRE RESEARCH CONTRACTS, 1960-66

	Amount	Year
Office of Naval Research	$175,000	FY 1960
Advance Research Projects Agency	110,000	FY 1961
Office of Civil Defense Mobilization	75,000	1960
Office of Civil Defense	100,000	1962
	200,000	1963
	100,000	1964
	75,000	1965
	60,000	1966

SOURCE: "Enclosure A. Fire Research Contract Program, Technical Progress Reports and Publications as of April 1968. National Bureau of Standards." NBS files.

Scientists had an opportunity to exchange ideas. In addition the Office of Defense Mobilization (ODM) had established the National Fire Defense Advisory Commission composed of nationally recognized fire authorities and representatives of the fire services. In 1960, this Commission recommended the first *National Fire Defense Plan*, which set out procedures for protecting the population in the event of nuclear fire, and staff and command schools for training fire chiefs.

STAFF AND COMMAND SCHOOLS

ODM, aided in financing by the National Board of Fire Underwriters,[63] began the schools the following year. During the first half of the decade, three were held, the first two at Battle Creek, MI. The third, at the University of Maryland in College Park, was not a civil defense undertaking, but was cosponsored by the IAFC, the American Insurance Association, and the university. Participation in the schools was by invitation only, and it was considered a mark of prestige for a fire chief to be invited.

As far as the development of federal fire programs is concerned, the schools contributed in at least two important ways. First, the interaction of professionals on the federal and local levels created mutual understanding and respect. As a result attitudes of fire leaders changed.[64] Second, the schools brought together individuals who held important positions in the fire service professions, providing them with the opportunity to become acquainted and to exchange ideas on fire service problems. Several of the participants later became presidents of the IAFC. According to one participant these schools were the genesis of the Wingspread Conference in 1966. That conference, discussed below, was a codification of "what everyone had talked about over the years."[65]

THE FIRE COORDINATION STUDY

To augment its capacity to deal with possible nuclear attacks, the Office of Civil Defense (OCD) drew the Forest Service into its programs. President Kennedy had given the Forest Service the responsibility for rural fire protection in case of enemy attack. Civil defense was to coordinate and finance the nuclear fire protection program. Toward that end, in 1964 it funded a Forest Service study on fire protection needs and programs. In addition the Forest Service undertook the training of firemen in selected rural areas in order to build defense capability.

The *Fire Coordination Study*, the forestry report, was published in 1966. It recommended that the local fire services be used as the foundation for nuclear fire defense. It suggested that fire defense readiness be developed through training, special fire analysis of each community, fire defense plans, and protective measures. The proposed "National Fire Defense Program" would "describe objectives and organization of fire defense activities at all levels of government." The study recommended fire defense coordinators for local jurisdictions, for zones within the states, for states, for interstate regions, and at national headquarters. OCD would share the planning costs of extraordinary arrangements for nuclear fire protection.[66]

OTHER EVENTS OF THE EARLY AND MIDDLE 1960s

Events outside the three major federal policy streams contributed to interest in fire service delivery during the early and middle 1960s. The 1961 Bel Air fire in California was the worst in North America since 1923, when a Berkeley, CA, brush fire destroyed 640 buildings. The Bel Air conflagration destroyed 450 homes and 180 other buildings.[67] This disaster attracted nationwide attention to the fire problem. The 1962 Cuban Missile Crisis stimulated new interest in civil defense and in aiding fire services. Fires set by rioters in the six days of burning and looting during the Watts riots in Los Angeles in 1965 gave the public another look at the difficulties of the fire services via television. An estimated 2,000 fires occurred during the rioting and fire fighters frequently were attacked with stones, sticks, and even Molotov cocktails.[68] In the same year the Department of Labor (DOL) released the results of its special occupational survey for 1965, concentrating on deaths and injuries of fire fighters. The Department was persuaded to undertake the

survey of 7,500 fire departments by the International Association of Fire Fighters (IAFF).[69] The survey found firefighting to be the most hazardous occupation.

Activities Of The Fire Chiefs

In the meantime the IAFC continued the barrage of resolutions, begun about 1960, calling attention to fire problems and asking for federal assistance. The chiefs believed that rapid technological advances were imposing unprecedented demands on them while an apathetic public remained unconcerned. Their problems were increasing at such a rate that present fire fighting methods, equipment, and apparel were inadequate. At the same time they knew that the technology necessary for development of the things they needed, such as better breathing equipment, was beyond the capacity of even the largest local government and could not be justified for any single community on a cost-benefit basis. Furthermore professional development was difficult with the training provided.

In addition the chiefs wanted a "fire spokesman" on the federal level similar to what law enforcement had in J. Edgar Hoover, director of the Federal Bureau of Investigation (FBI). They found that the Department of Justice and the FBI provided the police with federal representation. No one spoke for the fire interests. When they came to Washington, they were shunted from door to door. Chief Dan Vogel of Cincinnati, OH, presented to the 1962 meeting of the IAFC a proposal of the Ohio fire chiefs for a federal fire spokesman, indicating that he had written the national organization about it four years earlier. General Manager R. Richter Townsend responded that,

> This Association has been the prime leader . . . in charting what you recommend. We have never in the fire service, apparently, educated our federal agencies, our Congressmen, or our Senators in the area of fire responsibility on the federal level. They consider that fire responsibility is a local responsibility.[70]

While the chiefs wanted a national voice and federal assistance, they shared the concern of the other national fire service organizations about possible federalization of the fire service. They were careful to insist on local control, and they stressed the necessity of their own participation in any decisions that were to be made.

Between 1960 and 1965, IAFC adopted resolutions on the following subjects in reference to federal fire policy at the same time that it stepped up less formal action to ensure its participation in that activity:

1960 endorsing the Office of Defense Mobilization's *National Fire Defense Plan* and its plans for staff and command schools for fire chiefs;[71]

1960 calling for a national commission on fire;

1962 supporting establishment of a division of fire research in the Department of Commerce;

1962 approving a recommendation to President Kennedy that one individual be designated a national representative of the fire services;

1963 supporting the appointment of a committee to investigate securing federal funds for smoke detectors and breathing apparatus for firefighters;

1963 urging continuance of staff and command schools for fire chiefs; and

1965 advocating expedition of implementation of civil defense proposal for national nuclear fire leadership training.[72]

Another 1962 proposal seeking more direct assistance was referred to a committee. The resolution requested that either the Department of Defense (DOD) or the Department of Health, Education, and Welfare (HEW) be asked:

> . . . to make a suitable appropriation to the various states to be used specifically for the training of firemen, and if necessary, the IAFC shall endeavor to have such legislation introduced in Congress to secure such an appropriation.[73]

The fire chiefs were in the vanguard among professional fire groups in pressing for a

stronger federal role in meeting fire service needs. In fact other groups either opposed a stronger federal role or took no public stand until lobbying for *The Fire Research and Safety Act of 1968* got underway. Then, the IAFF played a major role; however, the minutes of their conventions and board meetings reflect no effort to seek federal assistance before 1968.[74] Until that time the fire chiefs were the organization sustaining the pressure for federal action.

The footprints of the chiefs can be seen throughout the activities in the science and defense policy streams. Probably because of their relationship with the civil defense agency through staff and command schools, they seemed more closely involved in the defense stream at the beginning of the decade. They managed to shift quite nicely, nonetheless, after it became apparent that the Department of Commerce likely would be the coordinating agency for fire activities. Their eyes were always on the main chance to strengthen the fire services, and they were less concerned with what department was to administer the programs than with whether they, themselves, managed to maintain their hegemony. To a greater extent than some of their colleagues, they appreciated the niceties of grants-in-aid as a means of acquiring federal funds while retaining local control.

The relationship between the fire chiefs and the federal agencies was not entirely harmonious. Some of their resolutions were aimed at ensuring that they would play a role in whatever program developed. They resented the failure of civil defense officials to consult them before building civil defense plans around the fire services. They also opposed subsequent NBS efforts to expand the scope of its fire activities through administrative means after its proposals had failed in the appropriation process. Opposition was centered on the training provisions. David Gratz, a participant at the time, recalls that the chiefs were concerned that this move was simply an NBS power play and believed that perhaps any such program should be located elsewhere because NBS knew little about training.[75]

The Wingspread Conference

The fire chiefs occupied center stage in federal fire program development in 1966. Although probably no one was aware of it at the time, the "Wingspread Conference on Fire Service Administration, Education, and Research" held in Racine, WI, added new impetus to the movement for an expanded federal role in fire protection. This conference of ten men grew out of an after-hours informal discussion, at a national meeting, of the difficulties encountered by fire departments. There was a consensus of those present that "no one has defined the problem." Someone commented, "What we need is to go off for two or three days and have a thinking session." The idea was left there, and several days later those involved were called by William E. Clark, who said that he had arranged for the Johnson Foundation to sponsor such a meeting at Wingspread, Racine, WI.[76]

The conference was not organized formally. Participants were selected on an ad hoc basis and "no effort was made to cover all fronts." The subject matter was related to defining the fire problem. After the conference was underway, it was discovered that sessions were being taped. At the close the group decided to issue a report in order to share their thinking with others interested in the problem.

The Wingspread report contained 12 "statements of national significance" to the fire problem in the United States:

1. Unprecedented demands are being imposed on the fire service by rapid social and technological change.
2. The public is complacent toward the rising trend of life and property loss by fire.
3. There is a serious lack of communication between the public and the fire service.
4. Behavior patterns of the public have a direct influence on the fire problem.
5. The insurance interest has exerted a strong influence over the organization of the fire service.

6. Professional status begins with education.
7. The scope, degree, and depth of educational requirements for efficient functioning of the fire service must be examined.
8. Increased mobility at the executive level of the fire service will be important to the achievement of professional status.
9. The career development of the fire executive must be systematic and deliberate.
10. Governing bodies and municipal administrators generally do not recognize the need for executive development of the fire officer.
11. Fire service labor and management, municipal officers, and administrators must join together if professionalism is to become a reality.
12. The traditional concept that fire protection is strictly a responsibility of local government must be re-examined.[77]

The emphasis on education and professionalism is heavy in the statements of significance—an emphasis reflected later in *The Fire Prevention and Control Act of 1974* and the subsequent establishment of the National Fire Academy. The report does not recommend federal action, but it does say: "A thorough cost analysis study needs to be made to determine if fire protection, as a responsibility of local government, is economically feasible."[78] The preface to the report states: "The economic base of the community may place such heavy demands on the service dollars available for all local government functions that the financing of the fire function cannot be afforded at the local level."

Wingspread Impact

Observers of, and participants in, fire developments in the 1960s disagree as to the impact of the Wingspread report. Prof. Richard E. Bland, later chairman of the National Commission on Fire Prevention and Control, said that "Wingspread was where the fire movement got its first visibility, where it began to build."[79] Percy Bugbee, at the time NFPA general manager, thought it "was not influential." He declared, "It was important in the chiefs' membership, but had no great effect on the public."[80] Joseph E. Clark of the USFA agreed about the chiefs, stating, "It does seem to have had a seminal effect on a small number of fire leaders."[81] Prof. John L. Bryan, chairman of the Fire Engineering Department at the University of Maryland, College Park, agreed that:

> Wingspread was more important in the constituency of those present, although it had influence generally. It pursuaded many in the fire service organizations to accept new and different concepts.[82]

John Rockett, formerly director of fire research for Factory Mutual Insurance Companies and later with NBS, indicated that Wingspread probably was quite important in forming a consensus among fire service people. He pointed out that there is no lateral mobility in the fire services, a fact that militates against competent management. At the national organization levels, the fire service is a collection of "prima donnas" and it is very difficult for them to form a consensus on anything. Wingspread reduced the number of factions and enabled them to form a consensus on direction, to work toward an organization presenting a point of view.[83]

David Gratz, one of the participants and later IAFC president, said the report had a "tremendous impact" on fire professionals, principally because it articulated what others had been thinking. After the Wingspread report received so much attention from the fire services, the participants made an effort to push its ideas by making speeches and arranging programs on the subject. The IAFC endorsed it, as did other groups.[84]

At the least the Wingspread report started the fire interests thinking and discussing the proper role for the federal government in fire services. In addition it provided a stimulus for cooperation among professional fire groups that culminated in the establishment of the Joint Council of National Fire Service Orga-

nizations at a 1970 conference in Williamsburg, VA.

Subsequent Developments

Wingspread generated almost immediately a number of other meetings, designed to follow up on the ideas articulated. In early 1967 a "Symposium on Higher Education for the Fire Services" was held in Syracuse, NY, aimed at identifying problems in fire service education as well as examining what motivates fire service personnel to seek higher education. A month later the editors of *Fire Engineering* magazine conducted a symposium in Chicago to explore problem areas defined at Wingspread. These meetings sustained the momentum the earlier conference established. The Chicago symposium summary report included a section entitled "Federal Government: Stronger Role."[85]

By this time the movement to do something to meet the needs of the fire services and to ensure better fire protection was in full swing. Initiatives were coming from all directions. Disagreements persisted, nevertheless, as to what should be done.

1967-68: LEGISLATIVE SUCCESS

The year 1967 was critical in the evolution of the U.S. Fire Administration. In addition to the momentum established in the professional fire services by the Wingspread Conference and sustained by the symposium in Chicago, many other events and forces in the field appeared to converge at this time to promote the enactment of *The Fire Research and Safety Act of 1968*, the first major legislative step leading to the establishment of the USFA. Although none of the outside events can be said to have been responsible for Congressional action, at least two helped to create a favorable environment, and others may have played a part.

Apollo Spacecraft Fire

The Apollo spacecraft fire in 1967, in which three astronauts died, occurred during consideration of the fire legislation. In fact hearings on its causes were held the next year by the House Committee on Science and Technology just before its hearings on *The Fire Research and Safety Act* got underway, thus providing national attention for fire problems as well as credibility for witnesses. Observers disagree as to what extent the Apollo fire promoted favorable consideration of fire legislation.[86]

Riots

During the same year riots erupted in major cities. In Newark, NJ, and Detroit, MI, rioters set fires and attacked fire fighters, thus drawing public attention to the hazards of their occupation. Between July 12-17, 1967, a total of 23 persons died in Newark, including a police officer and a fire captain, and more than 2,000 buildings were damaged, 100 by fire. In Detroit during the eight days of rioting between July 23-31, one fire fighter was shot to death. At least 38 individuals died and more than 1,500 were injured. A total of 538 businesses were destroyed and 549 were damaged badly.[87] The riots agitated people watching news broadcasts on television and probably were more effective than the spacecraft fire in creating a favorable climate for federal assistance for fire activities. IAFF Pres. J. Howard McClennan regards them as "immediately provoking," producing "a dramatic change."[88] Sen. Warren G. Magnuson (D-WA) cites them in reporting the "Fire Research and Safety Act of 1967."[89]

Two other 1967 fires may have had an impact. Dale's Penthouse fire in Montgomery, AL, took the lives of several teamsters officials in town for a meeting, thus stimulating union interest. Another fire at a Cornell University dormitory occurred on April 5 during Senate Commerce Committee hearings on the "Fire Research and Safety Act of 1967." A professor and eight coeds were killed.

Consumer Policy Developments

Perhaps the most significant development at this time leading to enactment of the 1968 legislation was the expansion of the federal consumer policy stream to include an increased federal role in fire protection. Although the consumer movement had been underway for several years, its origins were in

an important Congressional issue—the intermittent hearings on the prescription drug industry held by Sen. Estes Kefauver's Antitrust and Monopoly Subcommittee from 1959-62. Its legislative highpoint was reached during 1966-68 when Congress enacted a series of major consumer laws.[90] Consumerism was the cause of the moment and proved a popular vehicle for any interest that could ally with it. This was easy for fire interests because some of the same individuals and groups already were involved in the promotion of consumer safety through the flammable fabrics legislation.

CONVERGENCE ON FLAMMABLE FABRICS

Efforts to deal with the flammability of fabrics used in clothing already had resulted in *The Flammable Fabrics Act of 1953.* Pressures to expand the legislation and to vest regulatory power over these materials in the Secretary of Commerce, rather than waiting for Congressional action at each occurrence of a technological development, were building at the same time that moves for federal study of the fire service delivery problems were under consideration. The two matters were before the Congress at the same time.

This convergence of the consumer protection policy stream with the facets of defense and scientific research policies involving fire protection quickened the pace of the movement for federal action. Fire protection came to be viewed as a matter of consumer safety, and its advocates were able to ride the high tide of consumerism just as they had been buoyed by those of defense and scientific building research in earlier years.

THE PRESIDENTIAL REQUEST

Early in 1967, President Lyndon B. Johnson delivered his "Consumer Protection Message" to the Congress, calling on the legislators to "improve our shameful record of losses of life and property through fires." After recommending adoption of flammable fabrics legislation, he said:

> The strengthening of *The Flammable Fabrics Act* should be one early step in a major national effort to reduce our shameful loss of life and property resulting from fires. In 1965, some 12,000 lives and $1.75 billion worth of property were lost to fire. Our per capita death rate through fire was about four times as great as that of the United Kingdom and over six times as great as that of Japan. We can do better, and we must.
>
> We must begin by developing improved information about the number and causes of fires and their costs in terms of property, lives, and injuries.
>
> The federal government must also begin to support and supplement private research efforts on fire fighting and fire prevention. It should work to expand public education about fire prevention. It should extend a helping hand to communities willing to innovate and experiment in the field of fire control and prevention.
>
> I recommend the "Fire [Research and] Safety Act of 1967."
>
> This act will authorize and support the:
>
> —collection, analysis and dissemination of comprehensive, detailed fire information.
>
> —Initiation of a fire safety research program.
>
> —Improved education for those who prevent and control fire.
>
> —Educational programs to inform the public of its opportunities and responsibilities for fire prevention.
>
> —Pilot projects to improve and upgrade the efficiency of fire fighting professions and to promote more effective application of fire safety principles in construction.

The appearance of this endorsement in the Presidential message, enmeshed as it was in a myriad of recommendations, did not attract much public attention, but it did encourage and give impetus and credibility to those working for federal assistance. Furthermore it assured consideration of fire legislation in the Congress.

Accounts vary as to what inspired the President to include a request for fire safety leg-

islation in a consumer protection message. Gordon Vickery, then fire chief of the City of Seattle, WA, says that Sen. Warren Magnuson persuaded President Johnson of the desirability of the request. Vickery said that he and Magnuson spent two hours with the President and discussed the proposal during that time.[90] According to another source, inspiration could have emanated from the Department of Commerce in 1966 in response to a White House call for programs to include in the message. Dean Coston, then assistant secretary for legislation for HEW, recalls that Esther Peterson, then an assistant secretary of labor and special assistant to the President for consumer affairs, and Wilbur Cohen, Secretary of HEW, persuaded President Johnson that he ought to do something about consumers. Subsequently they, Coston, and either Bill Moyers or Douglas Cater met with the President and proposed a consumer message. These persons then put together a consumer package and drafted the message. It is Coston's belief that Dr. J. Herbert Hollomon, assistant secretary of Commerce for science and technology, had to come up with a consumer package to put in the message. He was prevailed on by the fire interests to propose that the New Society move on fire and worked to get it into the message. Certainly there appears to have been considerable interaction between Commerce and the fire services, especially the chiefs, during this period. Coston thinks that Hollomon also may have looked at the growing research capacity at NBS and wanted to build.[91]

The suggestion for including the request for fire safety legislation could have come from another source as well. David Gratz of the IAFC believes the push came from the fire services through then Vice President Hubert Humphrey. He recalls that three IAFF members were on Capitol Hill about another matter and stopped by the Humphrey office. In the course of a discussion, someone mentioned the need for fire legislation and the Vice President assured them he would look into it.[92]

What action he took if any, is not known. Ken Gray, legislative assistant to Humphrey when he returned to the Senate, doubts if Humphrey was responsible for the reference to fire in the consumer protection message. He points out, nonetheless, that it was hard to keep track of all the directions in which Humphrey went. The staff was lucky to find out what was underway. Humphrey would get an idea and write a letter.[93] Coston also did not see the Vice President's tracks in getting fire legislation into the consumer message.[94] But, W. Howard McClennan, IAFF president and a member of the National Commission on Fire Prevention and Control established by the 1968 legislation, recalls action by Humphrey in support of studying fire needs.[95]

It is possible, of course, that all of these efforts to interest the President played a part in his decision to recommend fire safety legislation. None of them precludes the others.

The Bureau of the Budget adamantly opposed including fire interests in the message, presumably because of the additional funds that might be required, but lost out because of the support the proposal had from a couple of people on the White House staff, according to Coston. Assistant Secretary Hollomon had close connections with Sen. Robert Kerr (D-OK), a close Johnson friend, and this may well have helped his cause.

Senate Action

The consumer message barely was out when fire safety legislation was introduced in both houses of Congress. Sen. John Sparkman (D-AL) submitted Senate Joint Resolution 46, "To Establish A National Advisory Commission on Fire Protection and Control," on February 27, 1967, followed shortly thereafter by Sen. Magnuson's submission of S. 1124, "The Fire Research and Safety Act of 1967." Magnuson chaired the Committee on Commerce and its Consumer Subcommittee that later held hearings on the bills. He had been active in passing consumer legislation. Both the Flammable Fabrics and Auto Safety legislation carried his imprimatur. Sparkman, who apparently had an interest in fire safety inspired by his nephew's military service at Redstone Arsenal,[96] is credited in subsequent floor debate with yielding jurisdiction over his fire legislation to Magnuson so that both measures could be considered at the same hearing.[97]

S. 1124 proposed to amend the organic act of the NBS to authorize a fire research and safety program. It would include the gathering of fire data, a fire research program, fire safety and educational programs, as well as provisions for demonstration of new approaches and improvements in fire prevention, control, and the reduction of death, personal injury, and property damage. The intent to establish a fire research and safety center to carry out the act was explicitly stated in the legislation. In addition the proposal would authorize the Secretary of Commerce, directly or through grants to state and local governments or nonprofit institutions, to:

- engage in investigations of fires to determine their causes, frequency of occurrences, severity, and other pertinent factors;
- conduct research into the causes and nature of fires and development of implementation methods and techniques for fire prevention, control, reduction of death, personal injury, and property damage;
- establish educational programs to inform the public of fire hazards and fire safety techniques and encourage avoidance of such hazards and the use of such techniques;
- institute fire information reference services, including collection, analysis, and dissemination of data, research results, and other information;
- establish education and training programs and demonstration projects to improve efficiency, operation, and organization of fire services and their capability for controlling unusual fire related hazards and fire disasters; and
- support, by contract or grants, the development of materials for use by educators and other nonprofit institutions of fire safety and fire protection engineering or science curriculum for fire safety courses.

Substantially the same administration bill was introduced in the House of Representatives as H.R. 6637.

Senate hearings on S. 1124 were held in April 1967, during which time nine persons were killed in the Cornell University fire. Testimony at the hearings was strongly favorable except from the National Fire Protection Association (NFPA). The IAFC, IAFF, and the International Fire Administration Institute favored amending the proposal to include a study group. This idea was endorsed strongly by Percy Bugbee of NFPA. Nevertheless the NFPA was the nucleus of opposition in both the Senate and the House because the measure included provisions for increasing the role of the NBS in fire research, investigation, data collection, and training. The NFPA board of directors had taken a position in opposition to Title I (S. 1124 and H.R. 6637, as originally prepared) that provided for the establishment of a fire research and safety center in NBS while supporting Title II (first submitted separately as S.J. Res. 36) creating a national commission.[98] NFPA believed that adoption of the Sparkman proposal for a national commission "should precede action providing sweeping new programs."[99] As before, it feared federal usurpation of its data collecting and other activities.

The Senate incorporated the proposal for a national study commission as Title II of the fire safety act and reported the bill favorably. In reporting the measure Magnuson said, "A major national effort is required to reduce the present shameful loss of life and property resulting from fires." He pointed out that "the best estimates available indicate that in 1965, fire in the United States caused 12,100 deaths and property damage amounting to $1,741,400,000—or $8.98 for every man, woman, and child." He noted that the committee was particularly disturbed to learn at the hearings that "among the major nations of the world, the United States has the highest per capita death rate from fires; twice that of Canada, four times that of the United Kingdom, and, remarkably, six and one-half times that of Japan."

Magnuson cited as deficiencies in the fire safety programs: (1) the lack of comprehensive and detailed information on fire causes and effects; (2) the "mission oriented" nature of the fire research undertaken by government agencies that is not applicable to many fire

safety problems; (3) the inadequate research "attention given to establishing an understanding of the basic nature and behavior of fire upon which to base a theory and more efficient practice of fire prevention and control;" (4) inadequate public education on fire prevention; and (5) the insufficient attention given to fire prevention and control education in the fields of engineering, architecture, city planning, and comparable curricula.

In regard to the federal role, he said:

> The committee wishes to emphasize that S. 1124 does not represent any federal takeover of fire prevention and control programs. Rather the committee believes that the problem of fire safety is a perfect example of a problem which can best be resolved through the cooperative efforts of public and private organizations, and through a working partnership of government at all levels.[100]

There was little debate on the Senate floor. Magnuson, Coston, and J. Caleb Boggs (R-DE) spoke for the bill. No one spoke against it. S. 1124 passed by a voice vote.

House Action

In the House, the Administration's bill, H.R. 6637, was introduced by Rep. George P. Miller (D-CA), chairman of the Committee on Science and Astronautics. He referred it to the Subcommittee on Science, Research, and Development, chaired by Rep. Emilio Daddario (D-CN). The subcommittee held four days of hearings during May and June.

Virtually all of the witnesses who appeared before the subcommittee approved of the purposes of the bill.[101] Reservations were expressed by Charles S. Morgan, assistant general manager of the NFPA, for the same reasons as expressed to the Senate.[102]

During the hearings a suggestion was made that a national commission on fire protection and control be established, along the lines of House Joint Resolution 498, introduced by Rep. William A. Barrett (D-PA) on April 8. This provision was discussed and approved. The subcommittee reported H.R. 6637, as amended, with instructions to introduce a clean bill. Subsequently the clean bill, H.R. 11284, was approved by the full committee on July 20, 1967.[103] The House leadership did not schedule the bill for floor action in 1967 and no bill was passed by the House until early in the next session.

President Johnson again urged the enactment of "The Fire Research and Safety Act" in his State of the Union Message in January 1968, and in his second consumer message on February 6, 1968. Two days later, on February 8, the House passed H.R. 11284 by a bipartisan majority of 269 to 78, after adopting an amendment offered by Rep. Alphonzo Bell (R-CA) reducing the authorization for research and development programs from $10 million to $5 million for FY 1969 and from the "necessary funds" for 1970 to $5 million for that fiscal year. After passage the House by voice vote substituted its language for that of the Senate passed bill (S. 1124).[104] The Senate agreed to the House amendment on February 16 and President Johnson signed the measure on March 1, 1968.[105]

Most of the opposition to the bill on the House floor came from Republicans concerned with rising government costs. David Martin of Nebraska is quoted as saying that action on the bill "should be deferred . . . in view of the serious fiscal situation in which this country finds itself today." He said it gave the House an opportunity to prove that it meant what it said about government economy. Martin also argued that the proposed programs duplicated activities in the private sector and in the federal government whose agencies had spent $11 million on fire research in 1968.[106]

Daddario, who managed the bill on the floor, replied that most of the research by federal agencies was "mission oriented" or closely related to their main tasks (e.g., ship safety). He said, "We have a national fire problem and the time has come to seek a national solution." He pointed out that support for the bill had been practically unanimous. Only the NFPA opposed parts of it. Daddario found inconsistencies between the testimony the NFPA had given on H.R. 11284 and letters that it had sent to all members opposing passage.[107]

Although a majority of members of both

parties in the House voted in favor of the measure, Democratic support exceeded that of the Republicans. Democrats voted in favor 177-27; Republicans were split 95-21. Southern Democrats were more likely to oppose the bill than were their northern counterparts. Northern Democrats voted 127-73 in favor of the measure while southern Democrats favored it by 50-24.[108]

Interest Group Alignment

While the bill was before the Congress, an inhouse memorandum in the Department of Commerce indicated Commerce's perception of group alignments on the "Fire Research and Safety Act:"

> **Strong Support:** Cities, fire services, firemen's labor union, mutual insurance companies, one leading stock insurance company, a school safety official, fire research organizations, Imported Hardwood Products Association, fire equipment manufacturers and distributors associations.
>
> **Tentative Support:** Aerospace industries.
>
> **Neutral to Negative:** NFPA, U.S. Chamber of Commerce, Underwriters Laboratories, American Insurance Association, and stock fire insurance companies.
>
> **Unknown at This Time:** building code officials, state fire materials industry, textile industry, NAM.[109]

The memorandum author perceived that the NFPA *Firemen* for May 1967 distorted the effects of the act on fire service by saying:

1. National directives and policies would replace local policy on control of fire services.
2. Scope of the proposed legislation appears to imply a "take-over" of entire fire prevention and fire protection machinery of the country to be operated from Washington.[110]

Subsequently, Percy Bugbee, general manager of NFPA, wrote a letter to Rep. Donald E. Lukens on August 25, 1967, urging his vote against H.R. 11284 and Report No. 522 (90th Congress, 1st Sess.). Among other reasons Bugbee pointed out that fire protection was historically and properly handled at state and local levels and that a study of the problem was desirable first.[111]

THE FIRE RESEARCH AND SAFETY ACT OF 1968

Title I of the new fire legislation was substantially the same as that originally introduced as the Administration's bill. It provided for a national fire research and safety program in the Department of Commerce, including the gathering of comprehensive fire data, a major fire research program, fire safety education and training programs, and demonstrations of new approaches and improvements in fire prevention and control. It was the sense of Congress that the Secretary should establish a fire research and safety center for administering this title. The act authorized the Secretary of Commerce to make grants to state and local governments and nonprofit organizations for carrying out provisions of the act. The Secretary was designated as the official liaison and coordinator of fire problems among federal agencies, but no existing functions were to be eliminated by this act.

Title II, added during committee consideration, provided for a national commission on fire prevention and control to undertake a comprehensive study and investigation to determine the most practical and effective measures for reducing the destructive effects of fire. This was to include study of effective prevention methods, present and future needs, the adequacy of communications in relation to fire, administrative problems affecting the capability of local fire departments, and assessment of federal, state, and local responsibility in developing practicable solutions for reducing fire losses. The commission was given two years after its organization for its work.

The law specified that the 20-member commission include the Secretary of Commerce, the Secretary of Housing and Urban Development (HUD), and 18 other Presidentially ap-

pointed members from all sections of the country and all segments of the fire community.

Implementation

The gratification of those who had worked for the enactment of *The Fire Research and Safety Act* diminished as the delays encountered in getting its programs underway continued. The law was passed in March 1968, too late for funding in the regular appropriation request of NBS for FY 1969. A revised request was submitted in time for consideration by the Senate. That body recommended $500,000 to finance the act, but the appropriation did not survive Senate-House conference. Funds were requested for FY 1970, and the Congress approved. But it appropriated only $550,000 for all program increases for NBS, including expansion of the Flammable Fabrics Program. Additional funds never could survive the conference.[112] The Bureau testified that it was not possible for it to initiate new programs to carry out the 1968 act without more funds.

Rep. John Rooney, chairman of the Appropriations Subcommittee, was not convinced that the Center for Fire Research was needed so it received no funds for a while, according to Rockett. NBS would not reprogram any funds and Rooney would not add any if it did not. There was pressure to do something to show Congress, "Look what we are doing and we need more funds." Rockett also perceived conflict within the Bureau as well as a lack of support for anything other than continuation and expansion of traditional fire research. There was resistance to the training provisions of the law.[113]

As time passed the professional fire groups became concerned over the lack of funding because unless something was done, the authorization for appropriations was due to expire on June 30, 1970. This was reflected in testimony at hearings on H.R. 16538 before the House Committee on Science and Astronautics, which was considering reauthorization of funds to carry out the act.[114] For FY 1971, President Nixon requested an increase of $1.11 million specifically for tasks set out in the 1968 act.[115]

The National Commission

There was delay in naming the National Commission on Fire Prevention and Control, and President Nixon did not announce the appointees until November 17, 1970. The Commission received funds and began work in July 1971, under the chairmanship of Prof. Richard E. Bland, Pennsylvania State University. IAFF Pres. W. Howard McClennan served as vice chairman. Members were drawn from academia, the professional fire services, the insurance industry, fire equipment manufacturers, the Administration, and other groups.[116] Howard D. Tipton, later director of the National Fire Prevention and Control Administration, predecessor of the USFA, served as executive director of the Commission.

During the almost two years of its operation, the Commission heard 92 witnesses, representing a wide range of interests. It also received information and assistance from federal agencies, the fire services, a variety of professional and business associations, and consultants. Chairman Bland reported that the members of the Commission were "very heavily involved in its work. The average attendance at Commission meetings was 14.3." Many Commission members also lobbied hard for legislation to back up its recommendations.[117]

One of the major problems it faced was obtaining accurate information. Bland said:

> Information was not available or sources disagreed on it. As chairman, I asked Baron Wittaker, president of Underwriters' Lab, and John Jablonski, and one other to provide the Commission with certain information. They couldn't find reliable information. They couldn't find a base line (the number of deaths, etc.) against which to base improvements. We needed data.

He said that the Commission saw a lot of work being done in a lot of places but with no coordination. "We perceived a need for a focal point."[118]

The Commission Report

The Commission transmitted its report, *America Burning*, to President Nixon on May 4, 1973. It set out graphically the fire problem in the United States and made 90 recommendations the Commission believed would reduce death, injuries, and property losses from fire by 50% in the next generation. The report included the following grim statistics:

> Annually, fire claims nearly 12,000 lives in the United States. Among causes of accidental death, only motor vehicle accidents and falls rank higher. Most of fire's victims die by inhaling smoke or toxic gases well before the flames have reached them.
>
> The scars and terrifying memories live on with the 300,000 Americans who are injured by fire every year. Of these, nearly 50,000 lie in hospitals for a period ranging from six weeks to two years. Many of them must return, over and over again, for plastic and reconstructive surgery. Many never resume normal lives. . . .
>
> Appallingly, the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire. While differing reporting procedures make international comparisons unreliable, the fact that the United States reports a deaths-per-million-population rate nearly twice that of second-ranking Canada (57.1 versus 29.7) leaves little doubt that this nation leads the other industrialized nations in fire deaths per capita. Similarly, in the category of economic loss per capita, the United States exceeds Canada by one-third.

Estimated Annual U.S. Fire Costs

(in millions)

Property loss	$2,700
Fire department operations	2,500
Burn injury treatment	1,000
Operating cost of insurance industry	1,900
Productivity loss	3,300
Total	$11,400

> Among those paying most heavily for this poor record are the nation's firefighters. Theirs is the most hazardous profession of all. Their death rate is 15% greater than the next most dangerous occupations, mining and quarrying. In 1971, the injury rate for firefighters was 39.6 per 100 men—far higher than that of any other profession. That same year, 175 firefighters died in the line of duty; an additional 89 died of heart attacks and 26 are known to have died of lung disease contributed to by the routine smoke hazard of their occupation.[119]

The Commission proposed the U.S. Fire Administration as a grantmaking agency in the field of fire protection, similar in concept to the Law Enforcement Assistance Administration (LEAA). The new unit would not "swallow or supplant ongoing programs," but would help guide efforts. It would keep state, local, and federal agencies informed of fire efforts in both the public and private sectors, encourage cooperation, and promote interest in neglected areas of research. It would serve as the federal "fire spokesman" the fire services had wanted for so long. Nonetheless the Commission emphasized the limited nature of the federal role. In the introduction to *America Burning*, the Commission stated:

> We feel strongly that fire prevention and control should remain primarily local responsibilities. Local governments—through codes and fire safety laws, and through heavy investments in fire department personnel and equipment—have shouldered the major burden of protecting citizens from fire and should continue to do so. Those governments appreciate special local conditions and needs more fully than an arm of the federal government would be able to do. Roles for the federal government, in the Commission's view,

are appropriately limited to lending technical and educational assistance to state and local governments, collecting and analyzing fire information, regulating the flammability of materials, conducting research and development in certain areas, and providing financial assistance when adequate fire protection lies beyond a community's means.[120]

In addition to proposing establishment of a federal fire agency, the Commission recommended an expanded federal role in research, data collection, public education, training, and assistance to local fire departments through grants and technical assistance. It supported a major increase in federal expenditures for fire programs and for a national fire academy that the fire services had wanted for so long. Specific recommendations included:

- establishment of the USFA in HUD to provide a national focus for the nation's fire problem with adequate funding to reduce life and property loss from fire;
- the establishment of a national fire data system;
- federal grants for equipment, training, and planning;
- USFA coordination of studies of fire protection methods and its assistance to local jurisdictions in adapting findings to their fire protection planning;
- establishment of a national fire academy as a division of the proposed USFA to provide specialized training in areas important to the fire services and to assist states and localities with their training programs; and
- complete federal financing of the fire academy.

THE MINORITY REPORT

Although the Commission's report was supported by a substantial majority of its members, objections were raised on several important points. Dr. Anne Wright Phillips of the Harvard Medical School prepared a minority report setting out her objections.[121] The points she raised were those around which most of the future arguments over fire legislation would revolve. The location of the new agency, the level of funding, and program emphasis were criticized and these arguments reappeared later as the legislation went through Congress. Her stance also anticipated to a substantial degree the later position of the Ford Administration.

Phillips supported the position of the majority that expanded federal action was needed on fire and that, properly directed, additional efforts would pay off handsomely in reduction of human and property fire losses. She emphasized at several points that widespread public education in fire safety principles should be the first concern of an expanded effort. In this connection she sponsored, independently of the Commission, a survey of public knowledge of fire safety and found "alarming voids" in public fire safety understanding. She strongly disagreed with the proposed emphasis on assistance to the local fire services by the USFA, asserting that the focus should be on an intensive public education program. To underscore her point she cited a nationwide survey of fire chiefs that pointed up a lack of public education as their most serious concern.

Phillips opposed the Commission's recommendation to place the new fire administration in HUD, preferring to retain the Department of Commerce as the principal locale for the federal fire effort in accordance with Title I of *The Fire Research and Safety Act of 1968*. (She believed that the Commission had run roughshod over Title I.) She agreed with the need for a national academy, but found it less important than the public education program. In her view the Commission was recommending too large a budget to be spent on the wrong programs.

Although the majority and minority disagreed as to the emphasis of future action, they were united in the belief that losses of life and property from fire constituted a major problem, one that could be mitigated substantially by an increased federal role. The minority report pointed out that as grim as our losses were from enemy action in Vietnam, they were small compared with the nation's fire casualties for the same period.

The 143,550 fire deaths in the United States between 1961-72 were more than three times the 45,925 deaths resulting from actions by hostile forces in Vietnam during the same period.[122]

Contrary to the fate of many other Presidential commission reports that have been filed and then ignored, *America Burning* had a pronounced impact on the move for greater federal involvement in fire protection. The document itself makes a strong case for fire needs. In addition Commission members worked hard to sell the recommendations to the Congress. Some, such as McClennan, had widespread resources at their call. The fire fighters' union frequently was credited with being the strongest lobbying force working for implementing legislation, although Clark believes efforts of the other Commission members also strongly influenced the subsequent enactment of *The Federal Fire Prevention and Control Act of 1974.*

INTEREST GROUP ACTIVITY DURING 1968-70

During the period following enactment of *The Fire Research and Safety Act of 1968,* developments outside the Congress affected future decisions. Of major impact was the establishment of LEAA by *The Omnibus Crime Control and Safe Streets Act* in June 1968.[123] Federal generosity to police forces, apparent in this act, stimulated anew the long-standing rivalry of the police and fire services. McClennan said, "The fire service felt like the forgotten service."[124] The fire forces did not want an LEAA for firefighters and felt that the new block grant had hurt their chances for federal assistance.[125] The legislation had the effect then of drawing the fire groups closer together and stimulating cooperation for their own advancement. It also prompted a somewhat more aggressive stance on their own behalf.

The Williamsburg Conference

The most important outside development was the Williamsburg Conference of the National Fire Service Organizations sponsored by the NFPA. At a meeting of the National Academy of Sciences' Fire Research Committee, Charles S. Morgan, new general manager of NFPA, indicated a need for cooperation among fire groups.[126] Subsequently, the conference was announced by Robert Grant, NFPA's assistant general manager, at the Academy's "Symposium on Training and Education in the Fire Service" in April; nevertheless, the Academy had no involvement in its sponsorship.[127] The conference was held in Williamsburg, VA, on August 31 and September 1, 1970. Present at Williamsburg were the chief executives of ten national fire service organizations: NFPA, the fire chiefs, and fire fighters, the Fire Marshals Association of North America, Fire Protection Research International, the International Association of Arson Investigators, the International Fire Administration Institute, the International Fire Service Training Association, the International Society of Fire Service Instructors, and the Metropolitan Chiefs Committee of the IAFC.[128]

The conference was intended to afford representatives of the fire organizations the opportunity to discuss informally "how the needs of the fire service could be met on a national basis." The spirit of cooperation that prevailed among participants was in recognition of the need for a national focus for fire service groups. It may have been promoted to some degree by the thought of what the police were to obtain through LEAA and by the frustrations encountered in the implementation of the 1968 fire legislation.

Participants took two important steps. They formed the Joint Council of National Fire Service Organizations—a significant development because it was the first time these groups had organized to present a united front. In addition they adopted a half dozen national goals for the fire service:

1) redefinition of public fire protection to recognize new technology and the changing character of community life;
2) develop programs designed to increase public appreciation of the fire service as a vital community agency;
3) broaden and stimulate channels of communication with local, state and federal government officials;

4) promote national standards for performance and education leading to greater professionalization of the paid and volunteer fire service;
5) development of a nationwide fire information system and the dissemination of valid data which will result in greater support for research leading toward solutions of many national fire protection problems; and
6) promotion and development of research efforts directed toward increased efficiency and safety for the American fire fighter.[129]

The Joint Council was a powerful, visible group although it was not representative of the entire spectrum of fire interests, since all its representatives were from the national fire service organizations. Yet it provided for the first time "a national vehicle through which the fire services could speak with one voice. At the outset it influenced the appointment of the National Commission." It also proved to be an effective lobby for the 1974 fire legislation.[130] It aided in converting opponents of a stronger federal role to advocates of increased federal involvement.[131]

Other Interest Group Activity

Another development during the post-NBS period was the gradual moderation of the opposition of the NFPA to a federal administration role. NFPA consistently had opposed federal involvement in areas that it believed were dealt with adequately by state and local agencies and by the private sector, and was regarded by some participants in the controversy over greater federal involvement as the principal obstruction during the 1960s to the establishment of a federal fire agency. Its official position was the federal government should become involved only when "the resources of nonfederal organizations were not sufficient to have an effect on the problem." It regarded the proper federal role as supplementary to state, local, and private sector activities.[132] NFPA testified in favor of part of the 1968 legislation establishing the National Commission on Fire Prevention and Control, and supported an academy for training fire instructors, but, in general, looked with disfavor on the establishment of a new federal administrative agency as well as on federal involvement in data collection, code preparation, and other activities that it perceived as duplicating its work.[133] In preference to an administrative agency it advocated "a federal commission as the best means for focusing primary attention on fire waste reduction as the *goal* rather than upon the means of attaining the goal. A permanent federal commission . . . can serve as a monitor, a catalyst, and coordinator to continually focus attention on the national goal of fire waste reduction."[134] This would have been a much weaker agency than the full-fledged administrative agency ultimately established. NFPA's support for federal research, implementation, and the fire service academy was tailored carefully to discourage usurpation of its own activities, an action it understandably opposed. Whether or not its objection to a stronger federal agency was based on an ideological commitment to federalism or its own interest, NFPA's actions to preserve its position as premier collector and disseminator of fire data and as the major organization involved in the preparation and sale of fire safety manuals and codes coincided with the position of those seeking to limit federal government growth and to preserve the federal system.

NFPA's opposition was not as strong after the retirement of Percy Bugbee as general manager.[135] According to Bugbee, the softening was the result of "a feeling on the part of association leaders that there was enough political support for stronger federal involvement to enact legislation and that the Association should try to steer it the way it would be the most useful."[136] Its sponsorship of the Williamsburg Conference, where its prestige allowed it to exert considerable influence on other fire service representatives in regard to what the federal role would be, was in this vein. So was its staff study seeking to identify areas in which the federal government was needed.[137] A document it published for consideration by the National Commission on Fire Protection and Control is an eloquent plea for limited federal action (presented in a positive fashion) and for participa-

tion of NFPA in any future federal activities. Although officials of the Association deny any connection, others involved in the activities leading up to *The Federal Fire Prevention and Control Act of 1974* attributed the lessening of NFPA's opposition to the receipt or prospect of federal grants-in-aid.[138]

Concurrently the IAFF, under the leadership of McClennan, began to exert stronger pressure for federal action. At its August 1968, Convention, the IAFF adopted a resolution calling for an amendment to *The Fire Research and Safety Act* that would require national testing and certification of equipment, apparatus, and clothing used by fire fighters.[139] This was the first resolution adopted by the organization calling for an increased federal role.[140]

The fire chiefs, on the other hand, believed the need for improved training for fire fighters. Responses to a 1972 survey of fire chiefs in cities over 10,000 population indicated that the chiefs wanted a fire service academy or institute similar to the FBI's academy for police officers. More advanced command and administrative training could be provided and new fire fighting techniques and equipment developed.[141]

1972-73 CONGRESSIONAL ACTION

During the period following the adoption of *The Fire Research and Safety Act of 1968,* Congressional activity in the area of fire safety increased. For example, in 1969, Sen. J. Caleb Boggs (R-DE) and 26 cosponsors introduced a bill restoring the matching funds for training volunteer fire fighters eliminated by a 1968 amendment to *The Vocational Education Act of 1963.* The amendment restricted the use of matching funds to educational programs preparing students for employment. Since volunteer firemen were not employed as such, their training did not qualify for funding. The problem was brought to the attention of Sen. Boggs by Louis J. Amabili, director of the Delaware Fire School.[142] Amabili was a member of the National Commission on Fire Prevention and Control.

Meanwhile Sen. Magnuson was active outside Congressional walls, appearing on Seattle television with Dr. Abraham Bergman on a program concerning children's burns from flammable fabrics. The impact was such that 3,000 persons wrote the Secretary of Commerce demanding stricter standards on flammability of children's sleepwear.[143] In 1972, Sen. Charles M. Mathias, Jr. (R-MD) and Rep. Robert H. Steele (R-CN) introduced nine bills providing for a national fire academy, research, training and equipment grants, a data clearinghouse, regulation of transportation of hazardous materials, and expansion of flammable fabrics legislation to include building materials.[144]

Related legislation enacted during the post-1968 period were *The Consumer Product Safety Act,* establishing an independent federal regulatory agency for all consumer products, another facet of the consumer policy stream, and two acts affecting the forestry stream. The Rural Community Fire Protection Program became law as Title IV of *The Rural Development Act of 1972,* and *The Cooperative Forest Management Act,* including forest fire protection arrangements, was extended to urban areas by P.L. 92-288.

Congressional fire activity reached its peak in 1973 when more than 165 pieces of fire legislation were introduced,[145] including the proposal that eventually became *The Federal Fire Prevention and Control Act of 1974.* Almost immediately upon the transmission of *America Burning* to the President, companion bills setting forth the National Commission's proposed legislation were introduced in the House and Senate. Sen. Magnuson introduced, for himself and Senators Norris Cotton (R-NH) and Lowell Weiker (R-CN), "The Fire Prevention and Control Act of 1973," (S. 1769) and the bill was ultimately adopted (although not in its original form). Rep. Wright Patman (D-TX) offered H.R. 11989, the companion bill, in the House. Other fire legislation was already before the respective committees with jurisdiction over this type of legislation.

The Commission Bills

As introduced the Commission bills, S. 69 and H.R. 11989, provided for a national fire prevention and control program, includ-

ing fire safety education and training programs, a national fire data system, a fire research and development program, a burn and smoke injury treatment program in HEW, assistance to state and local governments to implement model programs in fire prevention and control, and low interest loans by HUD for installing "early warning" fire protection equipment. All of this was intended to supplement rather than supplant existing programs. The legislation established the USFA in HUD to administer the program and exercise an effective national fire safety overview responsibility. Specific provision was made for a Presidentially appointed administrator and deputy administrator and for four assistant administrators for the national fire academy, the national fire data center, research and development, and state and local program assistance, respectively.

The academy would have substantial flexibility for improving training and education of fire fighters and administrators. In addition to its own programs, it would accredit and provide assistance to other training programs, develop model curricula, and disseminate information on fire research. The national fire data center would collect and disseminate statistics regarding fire, standardize data collection, identify emerging problems, and measure effectiveness of programs. The research and development program was aimed at evaluating fire research needs, providing information as to what research is being pursued, disseminating research results, coordinating existing and future research programs at all levels on an advisory basis, sponsoring and encouraging research, and performing other functions related to research on fire prevention and control.

A substantial program of categorical grants-in-aids was included in the proposed legislation, as were planning grants to states for preparation of comprehensive master plans for fire protection and for establishment of state fire agencies to conduct the planning. Once states had established fire agencies and drafted comprehensive plans, additional funds could be awarded for equipment, public education, recruiting and training, and other purposes. Much of the money provided under the grants to the states would be passed through to general local governments.

The bill authorized $5 million for FY 1974, $50 million for FY 1975, and $128 million for FY 1976 and succeeding years as Congress might authorize for the USFA. In addition fire research in NBS was to receive $3 million for FY 1974 and successive years as Congress authorizes. HEW would have $42.5 million for burn treatment research, and HUD would receive another $2 million for a program of low-cost insured loans for installation of fire equipment in nursing homes.

Congressional Hearings

The House Subcommittee on Science, Research, and Technology of the Committee on Science and Astronautics had before it 74 bills dealing with fire when hearings on the legislation began in July.[146] It had held hearings on fire problems in 1972, but waited for the Commission report and additional hearings before marking up the legislation.

HOUSE HEARINGS

The most important measures before the House subcommittee in addition to the "Fire Prevention and Control Act" were seven bills introduced by Rep. James Symington (D-MO), that would create a fire protection assistance administration. Each was introduced with numerous cosponsors as well as separately by individual members of the House. The subcommittee held hearings on all of them together, attempting to focus testimony on the desirability of certain programs and the locus of their administration rather than on individual provisions. Most witnesses directed their remarks to the need for a federal fire program that would include a fire academy, improved education, training, technology, master planning, and basic and applied research. Those who mentioned specific bills spoke to the Commission proposals or the Davis "omnibus" legislation.[147]

The witnesses were unanimous in their endorsement of a federal fire program. Again and again the loss of life by fire in this country—exceeding 12,000 persons a year—were cited. Dr. Anne W. Phillips, who had drafted

the Commission's minority report, probably was the most effective in this respect. Included in her testimony was the following:

> During the past two years, while a member of the National Commission on Fire Prevention and Control, I have had an opportunity to ask hundreds of people questions about fire safety, and one of the questions was, "What are your chances of being in a fire? One in a million: One in 1,000 or one in 100? What do you think your chances are?" The majority of the public chose "one in a million" as their answer. Yet testimony before the Commission showed that each of us can expect to be in three fires in our lifetime serious enough to call the fire department. The chances are greater than one in 100 that it will happen to you, or me, this year.[148]

Even the NFPA, which previously had been one of the chief opponents of increased federal activity in some areas, endorsed a stronger federal role. Charles S. Morgan, president of the Association, said:

> . . . fire protection has been on a diet of thin financial assistance for decades and, until now, there has been no great federal underpinning to the conquest of destructive fire. Therefore, we welcome any improvement. You asked our view on this legislation and we must honestly state that H.R. 7681 comes closest in most respects to meeting the range of fire control and fire prevention needs. We hope that the major provisions of this bill will be a part of the final product of this Congress.[149]

At the time of the House hearings, the Administration's proposal had not been completed. Assist. Sec. of Commerce for Science and Technology Betsy Ancker-Johnson appeared at the hearings to explain its proposals more fully. She indicated that the Administration preferred that the fire program be located in the Department of Commerce rather than HUD in order to "capitalize on the expertise already developed in the Department of Commerce." She also opposed the categorical grants-in-aid as having the potential of creating a large bureaucracy and federal interference that the National Commission stated it did not want.[150]

SENATE HEARINGS

Hearings on "The Federal Fire Prevention and Control Act of 1973" were held on September 4 and 5. The organizations represented were substantially the same, although the cast of characters differed. Again there was enthusiasm for a federal fire program. Suggestions were made for modifications in the bill, but except for the Administration's proposals, these were minor. Assist. Sec. Ancker-Johnson again presented the Administration's position. She reiterated that the Commerce Department should be the home of the fire program and objected to the categorical grants. She promised to forward the Administration's proposals shortly.[151]

In a letter to Chairman Magnuson dated October 5, Ancker-Johnson set out the Administration's plans. They included a national bureau of fire safety (NBFS) to be set up in the Department of Commerce. It would contain a national fire academy system, a fire research and development office, and a national fire data information center. NBS's fire research program would be transferred to NBFS. The new bureau would operate under the assistant secretary for science and technology.[152] On October 30, the Administration bill, S. 2638, was introduced by Senators Magnuson and Cotton.[153]

Senate Action

The Commerce Committee reported S. 1769 on October 18 with an amendment to strike out all after the enacting clause and substitute a Committee bill. The new title was "The Federal Fire Prevention and Control Act of 1973."

The proposed act made the Commerce Department rather than HUD the locus of a coordinated fire program. A new assistant secretary of Commerce for fire prevention and control would be created to administer the program. The intent was to reenforce and support the fire activities of state and local governments and volunteer fire departments

through a research and development program, a technical assistance program for state, local, and private fire services, a national FIREPAC academy, a national data center, and a master plans demonstration project. In addition the Secretary of HEW was to establish a research program on burn injuries in the National Institutes of Health, and the Secretary of HUD was to make loan guarantees toward the installation of fire safety equipment in skilled nursing facilities and intermediate care facilities.

The Committee envisioned the academy offering fire fighters the same quality of teaching in advanced techniques that the FBI Police Academy offers law enforcement officials and did not perceive it as an academic degree-granting institution similar to the Coast Guard or Maritime academies. In addition to its own courses, it would develop curricula and materials to be used for state and local training.[154] Assistance to state, local, and private fire services was to be largely technical, although authority for $10 million in grants to a small number of localities for demonstration master plan development was included. The bill authorized a total of $127.5 million.[155]

When S. 1769 came up for consideration in the Senate on November 2, little debate ensued. Senators Magnuson, Stevens, Weiker, J. Glenn Beall, Jr. (R-MD), Edmund Muskie (D-ME), and Edward M. Kennedy (D-MA) spoke in favor of the bill. Only Assist. Maj. Leader Robert C. Byrd (D-WV) and Sen. Harry F. Byrd (I-VA) rose in opposition. The former opposed the bill on the grounds that

> ... it will establish another governmental layer and further proliferate our everexpanding federal bureaucracy. I believe that most of the desired objectives set forth in S. 1769 could be accomplished within existing government structures, and at a lower cost, rather than providing for these new, and in some cases, duplicative programs which are estimated to cost over $170 million through fiscal year 1976.[156]

Harry Byrd opposed on similar grounds. After pointing to his years of work for the local fire fighters in his state, he said:

> I must oppose new federal spending programs unless Congress and the President are willing to cut other programs.... The question of fire companies and fire fighting is about as local as any function of government. Yet, the Senate is considering establishing a new program, the initial cost of which will be $127.5 million. I question the wisdom and desirability at this time in our history of having the federal government undertake such a local endeavor.[157]

Senators present did not find these arguments persuasive and the substitute bill passed the Senate by a vote of 62-7 with Senators Paul J. Fannin (R-AZ) and Strom Thurmond (R-SC) paired nay and yea, respectively. Other negative votes were cast by Senators Harry F. Byrd and William L. Scott (R-VA), Robert C. Byrd (D-WV), Floyd Haskell (D-CO), James A. McClure (R-ID), William Proxmire (D-WI), and Robert A. Taft, Jr. (R-OH).[158]

House Action

On the House side the Subcommittee on Science, Research, and Development wrote a new bill after considering the myriad of proposals before it. Committee Chairman Olin Teague (D-TX) introduced a clean bill, H.R. 11981, on December 17.[159] The committee reported it on February 7, 1974, and it came up for consideration on the floor on April 29. Rep. Davis, floor manager for the bill, emphasized that the bill would not destroy the continuing role of local fire fighters. It was designed to assist them through education, technology, data collection and dissemination, and professional development.[160]

H.R. 11989, as reported, was similar to the Administration's bill in its purposes and most of its provisions. It established a comprehensive fire prevention and control program to be located in the Department of Commerce with emphasis on fire education, professional fire training, research and development, and national data gathering. Major provisions were:

- a bureau of fire safety in the Department of Commerce headed by a Presi-

dentially appointed director and operating under the assistant secretary for science and technology;

- a fire technology program;
- a national fire data center;
- a U.S. fire academy;
- a fire research center in NBS to pursue basic and applied fire research;
- federal assistance for fire training programs;
- a site selection committee to assist the Secretary in choosing a site for the academy;
- financial assistance to students attending the academy and for students enrolled in fire engineering programs at colleges and universities;
- eligibility of civil defense personnel for participation in programs under the bill;
- a total authorization of appropriations for one year, FY 1975, of $5.5 million ($2 million for the Bureau and $3.5 million for the fire research center), and
- an expanded program of research on burns, treatment of burn injuries, and rehabilitation of fire victims established in the National Institutes of Health[161]

Support for a federal fire program was widespread in the House. It came from both sides of the aisle and from both conservative and liberal members. Geographically it was spread throughout the nation. Steele pointed out to his colleagues that "well over a quarter of the members of Congress have either sponsored or cosponsored fire legislation."[162]

In addition to Davis, 29 representatives spoke in favor of the bill. They cited the terrible waste of life and property from fire and the human suffering that burn victims undergo. Steele, credited by several members with being one of the strongest advocates and hardest workers for the legislation although he was not on the committee, told of his visit with a fire company.

> My real awakening came with a night I spent with Dennis Smith and Engine Company No. 82 in the South Bronx section of New York . . . I witnessed a case of arson and three other fires within the first hour of my arrival. It quickly became apparent that these fires occurred every night in major cities across the country.[163]

Three Representatives spoke against the measure, all conservative Republicans. The most spirited exchange came between H.R. Gross (R-IA) and Davis on Gross's charge of duplication and his concern with federal expansion and financial costs. Earl F. Landgrebe (R-IN) pointed out that the Ford Administration opposed this bill on the grounds that the creation of a separate fire research center in NBS is a "superficial exercise in more bureaucrats, more cost, without a resulting return on the taxpayer's money."[164] George Goodling (R-PA) was the third opponent.

Several committee-approved amendments were adopted on the floor after being introduced by Davis. One, credited to Rep. James Symington, authorized federal reimbursements to local fire fighters for fighting fires on federal property. Another provided for a FY 1974 open-ended authorization for NBS. A third deleted a provision on loans for safety devices in nursing homes because it was already law. Added were provisions to extend assistance to all kinds of fire departments and authority for the director to undertake activities directly or to provide for them through contracts and grants.

H.R. 11989 passed the House on April 29 by a vote of 352-12. Numerous members were paired and 69 did not vote. Voting against it were Representatives Harold Collier, Cordiss Collins, Philip M. Crane, David W. Dennis, John N. Erlenborn, Goodling, Gross, Edward R. Hutchinson, Landgrebe, James Mann, John Rarick, and Steven Symms.[165] All were conservatives and all except Mann and Rarick were Republicans.

Immediately after the passage of H.R. 11989, the House took up S. 1769, struck out all the language after the enacting clause, substituted the language of H.R. 11989, and passed the Senate bill. H.R. 11989 was tabled and the House and Senate went to conference on S. 1769, as amended.

Conference Committee Action

The Conference Committee wrote a substitute bill. Sen. Magnuson reported to the Senate that there was very little disagreement in the conference.[166] Sen. Beall, another conferee, said that the most controversial issue was organizational structure. The Senate wanted high visibility for the new fire organization and this was its reason for proposing a new assistant secretary of Commerce. The House had opted for a bureau under the existing assistant secretary of science and technology. The Senate feared that such a location would emphasize research rather than education, data collection, fire technology development, and the academy.[167] The conference amendments provided for a new fire administration in Commerce headed by a Presidentially appointed administrator who reported to the Secretary. The two houses also disagreed on the location of the fire research center, with the Senate placing it under the proposed assistant secretary and the House locating it in NBS. The conferees opted for NBS. The conferees also accepted a House provision for national accrediting of fire training and educational programs, not included in the Senate bill, as well as the House section making civil defense personnel eligible for inclusion in the fire programs. The House amendment for federal reimbursement for fighting fires on federal property was approved. Senate provisions for the new fire administration to review fire and building codes and encourage fire efficiency statements by building owners were written into the conference version. Also included was the Senate proposal for public safety awards, an annual conference, and authorization for assistance to states in the development of master plans.[168] A compromise was reached on authorizations. The Senate had included a total of $127.5 million for three years. The total House provision was for $5.5 million for one year. The conferees agreed on $59 million for two years.[169]

After a unanimous report by the Conference Committee, the legislation subsequently was recommitted to conference on October 1, because of objections from the Secretary of Commerce and the Director of the Office of Management and Budget (OMB). Sen. Magnuson reported that it was unacceptable to the Administration and that a veto was threatened. Negotiations between the conferees and the Ford Administration went on for about six weeks, according to Sen. Magnuson, and some changes were made that satisfied Commerce and OMB. Modifications reduced the authorization from $21 million to $15 million. The section on master plan demonstration programs was dropped and a new program providing that the Secretary assist states in the development of such plans was substituted. In addition the conferees deleted a requirement that Congressional committees approve academy construction plans and added a $9 million ceiling on construction costs for the academy site. Nevertheless not everyone was satisfied. There were objections from HEW. Sen. Magnuson told the Senate:

> Just when we thought agreement had been reached, last Friday we were informed by OMB that there were 'a few more concerns' about the bill that involved the burn center program. Many of these had never been voiced before.[170]

The conferees considered these outside the scope of the conference since the Senate and House measures were identical in this respect. Sen. Magnuson said that the Department of Commerce now approved the measure, and he did not believe it would be vetoed.

Final Passage

The House agreed to the second conference report on October 10, 1974, by a vote of 381-3, the dissenters being Representatives Gross, Landgrebe, and Collins. The Senate approved it the following day by voice vote. Only Senators Beall and Stevens spoke on the issue, and both of them recommended adoption.

President Ford signed the bill on October 29, 1974. On that occasion he said:

> While fire prevention and control is and will remain a state and local responsibility, I believe the federal government can make useful contribu-

> tions. I endorse the intention of this act to supplement rather than supplant existing state and local government responsibilities.[171]

The President also said he would not seek appropriations for the part of the legislation requiring the Secretary of HEW to establish burn treatment and research centers because they would duplicate the research carried on by the National Institute of General Medical Sciences and add $5 million to the FY 1975 budget.

Secretary of Commerce Frederick Dent called a press conference on November 1, 1974, to announce initiation of the new agency, with Joseph Clark acting as Administrator until a Presidential appointment could be made. The long sought U.S. Fire Administration then became a reality.

Influences In Passage

By the time "The Fire Prevention and Control Act" came before the Congress, the question as to whether the federal government should expand its fire activities already had been settled by the *Fire Research and Safety Act of 1968.* The legitimacy of federal involvement was not at issue. The questions were on the status of the new organization and its location. The Commission had recommended that a U.S. fire administration be established in HUD because of HUD's primary responsibility for urban affairs, urban planning, local government assistance, and housing, as well as its expertise on building requirements. The Administration favored Commerce because of the ongoing program in NBS. During the course of passage through Congress, many shifts were made.

The act had the general support of "an impressive collection of concerned industries, organizations, and fire-related agencies," according to Bland.[172] The NFPA, through testimony, staff work, the designation of a staff member to work full-time with Congressional committees, and in leading its substantial prestige and influence to the cause, supported this legislation. The professional fire services—coordinated by the Joint Council of Fire Service Organizations—mounted a strong grassroots lobbying effort. For example the minutes of the IAFF Executive Board Meeting for September 10-14, 1973, include the following:

> There were five days of hearings before the House Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics. Many fire fighters, in uniform, came to these hearings, mostly from areas of those Congressmen on the subcommittee. The results of the House hearings were not too encouraging and it now appears that our best prospects rest on the Senate side. As a result of the hearings, it now appears that the jurisdiction of the implementation of the Commission report will be in the Department of Commerce and not in HUD as originally proposed. As legislative hearings develop, the International [IAFF] will present testimony in conjunction with a panel of fire representatives from the Joint Council on Fire Services.
>
> Our best prospects for passing legislation that would assure us of an independent fire academy, grants, and other desirable features of the fire Commission report appear to be in the Department of Commerce at an under secretary level, but not in the Bureau of Standards.

Many volunteer fire organizations also pushed it as did other fire groups. Rep. Kemp, when speaking to the House in support of H.R. 11989, mentioned the New York volunteer fire fighters who had spoken to him.[173] The members of the National Commission worked hard for it, "throwing the weight of their personalities although not necessarily their backgrounds, toward the fire service side."[174] Commission staff members kept in touch with Congressional staffs. Clark remembers Howard Tipton, executive director of the Commission, and Thomas Hughes, then with NFPA, as being particularly effective.

Bugbee said that,

> The two biggest factors in getting the legislation enacted were the activities of the fire chiefs and the fire fighters.

> They had contacts with the Congress and the White House. Their influence with Magnuson probably resulted in his continued support of the fire academy, which they wanted, when someone (probably OMB) tried to stop it.[175]

Bland believes that McClennan was the most powerful force.[176] Rockett thinks that McClennan's influence probably resulted in the fire academy getting away from NBS.[177]

There is disagreement on the influence of the scientific community on the bill. Bland and Bugbee did not regard the National Academy of Sciences (NAS) as having important influence at this time.[178] Clark thought that NAS was a major factor in the long-term move toward greater federal fire research, but thought that "the scientific community did not do its job on this bill."[179] This included the National Bureau of Standards in Rockett's view. He regarded it as "not very politically astute."[180]

The Administration's role was clouded as a result of the President's Watergate difficulties and his subsequent resignation on August 9, 1974. The apparent foot-dragging may have been connected with the uncertainties as to the future of the Administration. Under the circumstances it is not surprising that strong leadership was not forthcoming or that sometimes it seemed that the Administration spoke with two tongues. An assistant secretary of Commerce testified in favor of a fire program in Commerce and wrote Sen. Magnuson on October 5, 1973, about the Department's eagerness to undertake the program. Yet earlier, on August 29, the Treasury wrote that it opposed the bill because the provisions for categorical grants were not consistent with the Administration's revenue sharing program. Both letters had the approval of OMB.[181] Eventually the Administration proposals got to Congress and seemed to influence the character of the final legislation.

In Congress Sen. Magnuson exerted tremendous influence as chairman of both the subcommittee and full committee that handled the bill. Other influential Senators were Stevens, Beall, and Mathias—all Republicans—who worked hard for the measure. In the House Representatives Davis, Steele, Mosher, and Pettis were the strongest advocates, although many other members were interested in fire safety legislation by the time the bills reached the committee. Rep. Teague, as chairman of the Science and Astronautics Committee, apparently "did not bend over backwards" in behalf of the bill, but he did aid Subcommittee Chairman Davis who "was a real supporter."[182]

America Burning undoubtedly had an enormous impact. Almost everyone involved credits it with generating Congressional awareness of the country's fire losses. Its importance was cited at the outset of Senate hearings and it was widely quoted during the debates and hearings. The Commission's recommendations were endorsed, at least in part, by all major groups concerned with the issue. Fire safety, being the emotional issue that it is, was difficult to argue against. When presented as graphically and forcefully as it was in *America Burning,* it took on the aura of motherhood. In addition it was a good issue for those who wanted to use it as a political vehicle—emotional, difficult to oppose, and dramatic.

THE BIRTH OF THE U.S. FIRE ADMINISTRATION

As finally enacted *The Federal Fire Prevention and Control Act* (P.L. 93-498) established the National Fire Prevention and Control Administration (NFPCA)—the first federal agency created as a focal point for fire protection activities (later renamed the U.S. Fire Administration). Placed in the Department of Commerce, the new agency was to be headed by a Presidentially appointed Administrator who reported to the Secretary of Commerce. Specifically set out as part of NFPCA were the National Fire Data Center and National Academy of Fire Prevention and Control. The superintendent of the Academy was to be appointed by the Secretary of Commerce but would work under the supervision of the NFPCA Administrator. The legislation also provided for a fire research center in NBS and an intensified burn treatment research program in HEW's National Institutes of Health.

The NFPCA Administrator was given responsibility for: (1) a program of public education to overcome public indifference to fire and fire prevention; (2) programs for strengthening training and education for local fire services, local governments, and private institutions through technical assistance to junior colleges and engineering programs at advanced institutions; and (3) for assistance to state and local fire service training programs. In addition he was charged with conducting a continuing program of development, testing, and evaluation of equipment for use by fire, rescue, and civil defense services. Also placed under his purview were studies of managerial aspects of fire service operation of the fire services, including demonstration projects to encourage the use of operation of the fire services, including demonstration projects to encourage the use of new techniques, standards, methods, and management systems.

Expectations were that the NFPCA Administrator would encourage research by fire services, assist in cost-benefit analyses of local fire services, and promote the drafting of master plans for fire prevention and control by state and local governments. He also was expected to review, evaluate, and suggest improvements in state and local fire prevention codes. He was given the option of using contracts or grants to perform many of these functions or of having them performed in his own agency. In addition the National Fire Data Center came under his supervision. The legislation also provided for federal reimbursement to fire services that fight fires on federal property and for the establishment of public safety awards, an annual report, and an annual conference.

Implementation

Implementation of the 1974 legislation was relatively smooth compared to the experience with the 1968 act. Funds never equaled the authorized amount, but except for the Academy, few other major problems were encountered in the initial operations. The first implementation efforts were directed toward establishment of NFPCA as a functioning unit in the Department of Commerce and toward the recruitment of personnel. Dr. Joseph Clark was named Acting Administrator and served until 1975 when an Administrator was appointed. The Fire Service Technology Program of NBS was transferred to NFPCA and plans were made to move the Fire Research Grants Program of the National Science Foundation's Research Applied to National Needs Program. Areas of responsibility for NBS research were defined through cooperative efforts.[183] President Ford appointed Howard D. Tipton of California as Administrator and David A. Lucht of Ohio as deputy administrator on August 5, 1975, and June 27, 1976, respectively. Subsequently NFPCA developed a five-year plan for its operations.

ORGANIZATION

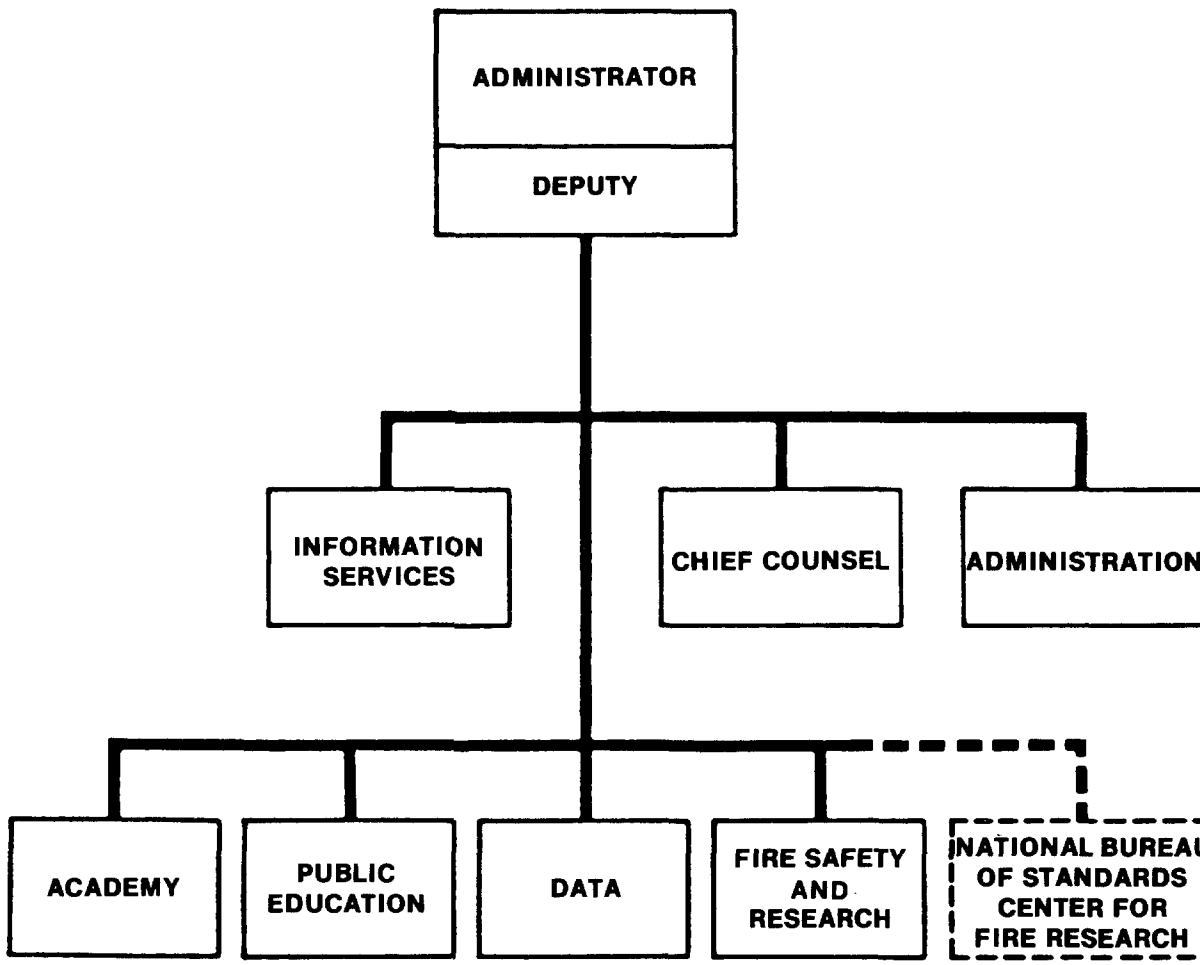
NFPCA was organized originally into four operating units: the National Fire Data Center, the National Fire Safety and Research Office, the Public Education Office (now the Office of Planning and Education), and the National Academy for Fire Prevention and Control, each headed by an associate administrator except for the Academy, which has a superintendent. The organization is set out in *Figure 3*. The Fire Safety and Research Office was abolished in 1979. The reorganization is reflected in *Figure 3A*.

The Data Center operates a National Fire Incident Reporting System, a cooperative effort among all levels of government to collect, analyze, and disseminate standard fire data, and a fire reference service as a center of technical fire information. The National Fire Safety and Research Office serves as a liaison between researchers and fire practioners and cooperates with NBS's Fire Research Center to identify priority needs and to disseminate research results to those who need them. Research involves both technology and management sciences, the latter aimed at improving delivery in the fire services. This office also reviews, evaluates, and suggests improvements in state and local fire prevention codes and building codes, fire services, and any relevant federal or private codes and regulations.

The activities of the Office of Planning and Education involve the design of new tech-

Figure 3

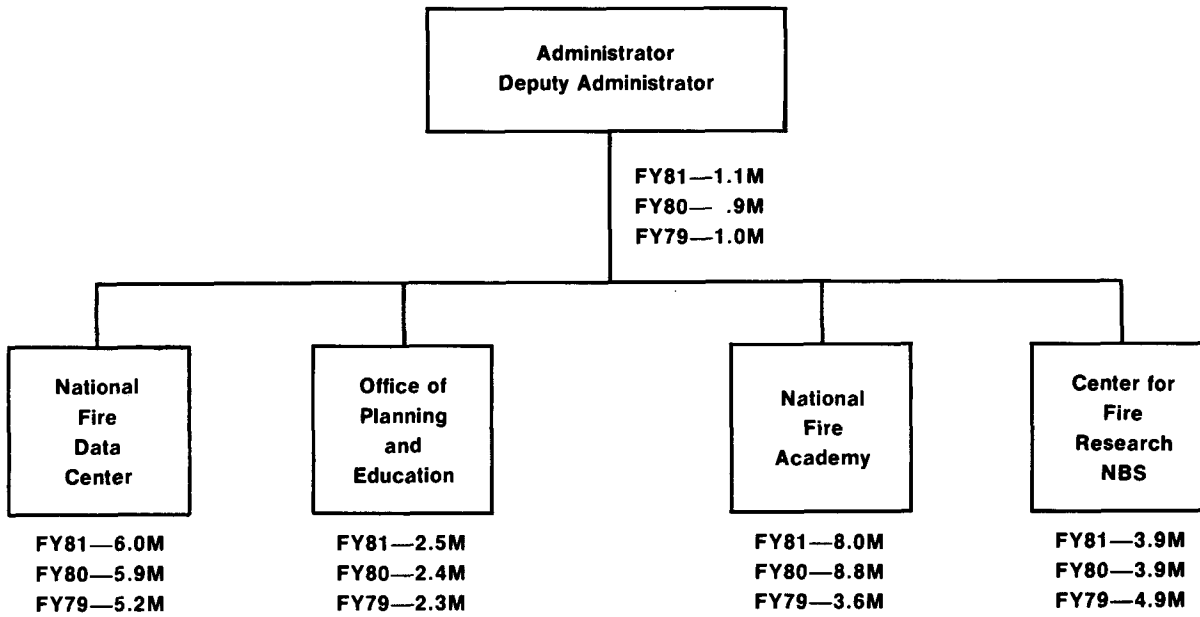
ORIGINAL ORGANIZATION OF THE NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION



SOURCE: *The Fourth Annual Report of the Secretary of Commerce on Implementation of the Federal Fire Prevention and Control Act of 1974 (Public Law 93-498): Report for Calendar Year 1977.* Washington, DC, U.S. Department of Commerce, National Fire Prevention and Control Administration, July 1978, p. 2.

Figure 3A

USFA ORGANIZATION AND BUDGET, 1980



Source: U.S. Fire Administration.

niques for enhancing public awareness about behavior in fires and about fire protection. A variety of programs, including one on arson, are undertaken to alert and inform the public. In addition, it administers the master planning grant-in-aid program.

The National Academy emphasizes the development of training and education programs aimed at upgrading the professional capability of state and local fire service personnel and others in fire prevention and control efforts. It trains fire leaders and instructors from across the country and produces training packages. The Academy is the principal delivery arm of USFA, and is used as a communication and technology transfer medium in disseminating information to state and local fire agencies.

Academy Problems

There appear to have been more delays and difficulties in implementing the Academy's programs than those in other sections of NFPCA. Part of this resulted from opposition to the Academy in OMB.[184] In addition, there was a controversy over the selection of a superintendent, with the fire services insisting on someone from the professional fire services and other interests preferring an individual with an academic background. The fire services won and the Secretary appointed David M. McCormack of New York City as superintendent in 1976.

Additional problems arose over the selection of a site for the Academy. In January 1976 the Secretary named a site selection board consisting of John L. Swindle, chief of the Birmingham, AL, Fire Department; Henry D. Smith, chief, Fire Service Training, Texas A & M University; and Superintendent McCormack. The site selection board investigated and examined more than 220 proposals from 38 states before recommending that the Secretary select the former campus of the Majorie Webster Junior College in Washington, DC. On August 30, 1976, Secretary of Commerce Elliot Richardson announced that this property had been selected as the site of the Fire Academy.[185]

The Fire Administration purchased the 8.5-acre campus in May 1977 for $2.6 million and engaged an architectural firm to develop a detailed space plan and renovation cost estimate.[186] OMB deemed the cost of renovation excessive, and the President included no funds for the renovation in his 1979 budget request. Congress authorized the sale of the Marjorie Webster site in October 1978, with the receipts set aside for the purchase of another location.[187] The site selection board's second choice, the campus of the former St. Joseph's College at Emmittsburg, MD, was later approved by Secretary of Commerce Juanita Kreps and purchased. In the meantime the academy has gone ahead with limited educational and training programs, many of which are offered in each of the ten federal regions.

GRANT-IN-AID PROGRAMS

NFPCA established two grant-in-aid programs. The Academy Planning Assistance Project grants were designed to assist states in the development of training and education in fire prevention and control. They may be made to states, the District of Columbia, the Commonwealth of Puerto Rico, and other U.S. possessions for the development of statewide organizational designs or statewide fire education and training plans. By the end of 1977 a total of 26 states had received these grants. The program is expected to continue until all interested states and territories have developed five-year plans for education and training. Individual grants are not large, and the total obligations for the two categories are small. Grants for statewide organizational design average $11,000 and those for statewide fire education and training plans average $50,000. A total of $316,563 was obligated for these awards for FY 1977.[188]

State Fire Incident Reporting Assistance Project grants are aimed at assisting states in the establishment and operation of statewide fire incident and casualty reporting systems. Nineteen states now participate in this program. All had received a Phase I grant and some were awarded Phase II grants by 1978. NFPCA obligated $245,562 for this purpose in FY 1977, an estimated $257,000 for FY 1978, and an estimated $205,000 for FY 1979. The amount of individual grants ranged up to $50,000 per state.[189]

In addition to these two grant programs,

two others are in the testing stage. Grants under the Policy Development Assistance Program will be made to states for master planning in fire prevention and control. Four of these were ready to be made in 1978. Public Education Assistance Program grants are designed to help build a state's capacity to provide information and materials for the assistance of local fire educators, to make a state public fire education program part of the state fire structure, and to develop the ability of communities to plan, implement, and evaluate effective public fire education programs. Four grants were awarded for this program in 1978.[190]

According to the USFA, a total of $2.6 million for all grant categories was awarded through 80 grants in 1978. Awards are expected to total approximately $3 million for 1979.[191]

FINANCES

The USFA operates on a budget that is small compared to most federal agencies and the amounts appropriated have never reached the limit of the authorization. (See *Table 4.*) In remarks before the Subcommittee on Science, Research, and Technology of the House Committee on Science and Technology in February 1978, Rep. Ronnie G. Flippo declared:

> Past expenditures have been far below even the modest levels originally authorized by Congress in 1974. . . . Of the funds appropriated through fiscal year 1978, 50% have been devoted to existing research programs that would have continued without the *Fire [Prevention and Control] Act of 1974.* Of the remaining 50%, one-half has been devoted to the Fire Academy, one-quarter for the development of the data system, and one-quarter for public education programs, organization and management studies, and general administration.[192]

Roughly one-third of the money appropriated to it is earmarked for the Fire Research Center at the NBS.

Of the money that remains for the USFA after Fire Research Center funds are deleted, there are more resources for the academy than for any other single purpose. *Figure 4* illustrates the distribution.

Relocation

Not long after it began functioning, the Fire Administration became involved in a maze of bureaucratic wranglings over its future. In addition to the difficulties with funding and the location of the academy site, NFPCA became enmeshed in a controversy over governmental reorganization. On June 19, 1978, President Carter submitted to Congress the "Reorganization Plan No. 3 of 1978," which proposed creation of a Federal Emergency Management Agency (FEMA) that would include the Fire Administration.[193] Because Congress did not disapprove the reorganization proposal, it became effective April 1, 1979.

Table 4

FIRE ADMINISTRATION OPERATIONS FUNDING, 1975-79

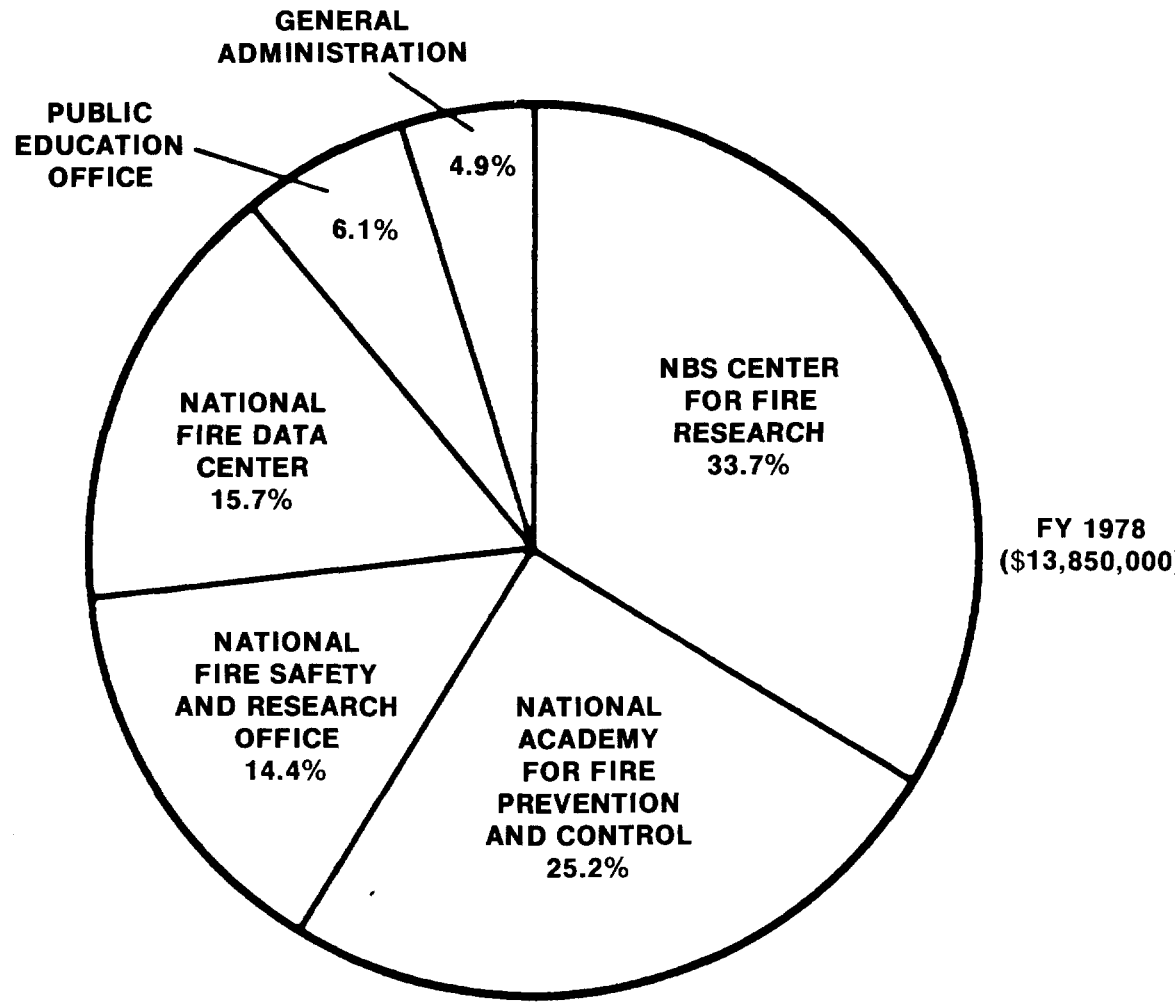
(millions of dollars)

Fiscal Year	Authorization	Appropriation	Expenditure
1975 *(part)*	$9.5	$6.0	$4.9
1976	19.0	8.7	9.8[a]
1977	20.5	12.3	11.8
1978	26.0	14.1	14.1
1979	29.9	17.4	17.4 (est.)

*$9 million for an academy site are not included.
[a]Includes carryover from previous year.
SOURCE: U.S. Fire Administration, March 14, 1979.

Figure 4

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION FINANCIAL RESOURCES, FY 1978



SOURCE: *Fourth Annual Report of the Secretary of Commerce on Implementation of the Federal Fire Prevention and Control Act of 1974 (P.L. 93-498): Report for Calendar Year 1977*, Washington, DC, U.S. Department of Commerce, n.d., p. 4.

AGENCY OPPOSITION

The transfer of NFPCA was greeted with less than enthusiasm by Administrator Tipton and some members of his staff. They argued that the transfer might change the focus of the agency from one of fire prevention with emphasis on training, public education, data collection, and research, to one of fire suppression since the misssion of FEMA would be disaster management. In addition they thought that the Fire Administration might be a misfit in a disaster organization. Reorientation of training and research might lessen NFPCA's effectiveness in connection with routine fire protection and control because fire service delivery usually involves dealing with one small fire at a time on a day-to-day basis. Similar concerns were expressed by Chairman Al Ullman of the House Ways and Means Committee in a letter to Chairman Jack Brooks of the House Legislation and National Security Subcommittee, which was holding the hearings, and by the National League of Cities. Even those supporting the transfer urged caution so that the principal focus of the Fire Administration would be preserved. NFPA took this position as did the IAFC.[194]

FIRE SERVICE SUPPORT

The national fire service organizations originally shared this lack of enthusiasm for the plan, being reluctant to lose the separate identity that NFPCA had enjoyed in Commerce. They also were concerned with the difference in the continuing, day-to-day nature of the fire problem from that of intermittent major disasters, the possibility of diffusion of the national focus on the fire problem, and the possible subordination of the Fire Academy. They also objected to the plans for regionalization of emergency management, arguing that the national fire focus must be responsive to the state and local fire protection community. Regionalization, they believed, would decrease NFPCA's ability to deal with the daily fire protection needs in a cost-effective manner. In a statement before the House Subcommittee, John F. Swindle, president of IAFC said:

> There is a potential reduction of emphasis on fire safety and prevention in respect to the small fire incident which could occur in a major disaster oriented agency. It must be fully recognized that it is the private home that is cumulatively the most dangerous to human life and is the place where over 6,000 persons die each year. These fires are not spectacular, and often property losses are low. . . . The priorities needed here are vastly different from those required for a potential disaster. These priorities must be kept in proper perspective.[195]

Nevertheless when the chips were down, the fire groups supported the transfer. Apparently there was a trade-off, with the fire groups' support exchanged for assurance from the White House that the Academy site would be developed. Their dream of a Fire Academy took precedence over all. The lack of a request for Academy site funds in the FY 1979 budget angered them, but they had already testified in support of the reorganization. After much maneuvering, the end result was the transfer of the Fire Administration to FEMA, a new site for the Academy at Emmitsburg, MD, and the appointment of a new Administrator for the Fire Administration to replace Tipton who disagreed with the projected reorganization. Under FEMA the administrator of the Fire Administration has associate director status. Subsequently the Fire Administration Administrator served a brief period as acting director of FEMA when the Administration encountered difficulties in finding a director.

A NEW NAME AND BROADER RESPONSIBILITIES

Other developments were not quite so traumatic. In October 1978, Congress changed the name of the National Fire Prevention and Control Administration to the U.S. Fire Administration,[196] the name originally proposed by the National Commission. This simplification avoids the confusion with the National Fire Protection Association (NFPA) that often occurs.

The same legislation increased the respon-

sibilities of the USFA in regard to arson. The Administrator is required to:

- develop arson detection techniques to assist federal, state, and local agencies in improved collection of nationwide arson and control;
- provide training and instructional materials in skills and knowledge necessary to assist fire service and law enforcement personnel in arson, detection, prevention, and control;
- formulate methods for arson data collection compatible with methods used by the FBI in collection of crime statistics;
- develop and implement programs for improved collection of nationwide arson statistics;
- develop public education programs on the extent, causes, and prevention of arson; and
- develop handbooks to assist fire service and law enforcement personnel in arson prevention and detection.

In addition, the Administrator is to assess the capabilities of state and local governments in regard to arson investigation and detection, evaluate the necessity for, and the desirability of, federal supplementation of such capabilities or other federal assistance in arson detection, and recommend any additional legislation or other programs required to assist in reducing arson in the United States.

PROPOSALS FOR ADDITIONAL GROWTH

Other moves to expand the activities of the USFA have met with no success to date. A 1978 effort by Rep. John Breckinridge (D-KY) to establish an office of fire investigator in the Administration met with almost unanimous opposition from the fire interests. Rep. Breckinridge was responding to the Beverly Hills Night Club Fire in Southgate, KY, in which 135 people were killed, when he introduced H.R. 10037. The bill proposed that the fire investigator give assistance to state and local governments in investigating fires when they requested it, or in the event of fatalities, the investigation could be made on the initiative of the U.S. Fire Administration. He perceived it as operating somewhat like the National Transportation Safety Board.[197] Opposition to the Breckinridge proposal was widespread, immediate, and intense. The idea received little support in the hearings. Other bills introduced in the same year would make grants up to 50% to local fire departments for equipment and emergency first aid and grants up to 90% for fire fighting suits and self-contained breathing equipment.[198] None were passed.

THE CONVERGENCE OF FORCES: A SUMMARY ASSESSMENT OF THE DEVELOPMENT OF THE U.S. FIRE ADMINISTRATION

In 1974, at a time when concern over an expanding federal budget and a growing bureaucracy were on the rise, Congress gave birth to the U.S. Fire Administration, thus establishing for the first time a federal agency whose primary mission was fire prevention and control. The federal government became a partner, albeit a limited one, in the effort to provide improved local fire service. The organization brought forth was small and continued to suffer from underfunding. It had a dedicated coterie of well wishers, nonetheless, and continued to survive the crises of its infant years.

The gestation period for the USFA seems long, yet when placed in perspective and compared with those of black civil rights, votes for women, or gun control, for example, it was a relatively short pregnancy. It had its inception with the establishment of a fire program at NBS in 1914, but efforts to build a larger federal role in fire service did not get underway until the 1950s and gained little momentum until the next decade. The issue was decided for all intents and purposes with the passage of *The Fire Research and Safety Act of 1968*. After that the question was not whether the federal fire role would expand but when and how.

The Environment

The environment in which gestation occurred would not have seemed a fertile one at first glance. No polls showed that Americans considered fire a major problem, much less

one that the national government should solve. No provocative books, such as Rachel Carson's *Silent Spring* or Ralph Nader's *Unsafe at Any Speed,* appeared to generate concern. No citizens organized to lie under fire trucks and demand action. Nevertheless certain developments had created a climate receptive to federal expansion in fire prevention and control.

ENVIRONMENTAL FACTORS CONTRIBUTING TO GROWTH

Numerous factors contributed to a receptive environment. Demographic and social changes, the financial plight of local governments, rising fire losses, technological developments, and increased awareness of fire problems through television, along with other factors, were significant.

Demographic, Social, And Financial Factors

During the period covered by the drive for development of a national fire policy, the country had become predominately urban. Three out of four persons lived in urban areas as compared to one out of two a half century before. The consequent clogged streets, high rise buildings, concentrations of populations in dilapidated tenements, and sometimes sleezy surburban developments magnified fire fighting difficulties.

The turbulent 1960s helped make fire prevention and control more hazardous. During the long hot summer of the late 1960s, ghetto discontent often was expressed as arson, false alarms, hassling of firemen, and sometimes riots.

Because of their increasingly serious financial plight, many local governments, particularly large cities, found themselves unable to cope with their mushrooming problems. Fire services, along with other local activities, suffered from the fiscal inadequacies of local governments.

Increasing Fire Losses

While the general public seemed unaware of the extent of fire losses, those involved in the provision of fire services, research, and burn treatment were cognizant of the growing number of fires and the rise in property losses attributable to fire. Of special concern was the dramatic rise in the number of incendiary fires and arson that, according to estimates, more than doubled between 1960-70 and again between 1970-75.[199] Between 1951-75 fires were ranked third as the cause of accidental deaths following motor vehicle accidents and falls of all kinds. As a cause of catastrophic death—that is, accidents in which the loss of life was five or more—they ranked second in the years between 1971-75.[200] Furthermore, fire fighting was the country's most hazardous occupation.

Technological Developments

Not only had fire losses mounted, but also technological changes had altered the challenges facing fire fighters engaged in fire suppression. New problems were created by the development of new products and materials about which little was known of their hazard capacity while burning. Fire fighters initially were unaware of the difficulties they faced and subsequently lacked the technology to deal with them. The problems appeared to be accelerating at such a rapid rate that known fire-fighting techniques and equipment were inadequate to deal with them. At the same time technological advances that produced the space age encouraged the fire service community to look to technology for development of breathing apparatus and other equipment and apparel that they needed. This was a technology local governments could not afford.

Television

Although the extent of its influence is difficult to measure, the advent of television undoubtedly added to a climate receptive to action. The public could witness fires from throughout the country on their home screens, thus becoming more personally involved in the events. Televised news coverage of the riots of the 1960s in which fire fighters were shot, stoned, and prevented in a number of ways from performing their functions probably made action to assist them more acceptable. Certainly the audience reaction to the television program on flammable fabrics in which Sen. Magnuson and Dr. Bergman appeared indicated substantial television stimuli.

ENVIRONMENTAL CONSTRAINTS ON FEDERAL INVOLVEMENT

Not all the environmental factors were favorable to a new federal role. Public indifference to the fire problem was so prevalent that it took riots to create any further interest. Even then there was no outpouring of public demand for a federal fire program. Fire never was listed by a majority of respondents to public opinion polls as one of the major problems facing the nation. Furthermore advocates of increased federal fire activity had to operate in the face of the belief that fire protection was a purely local function and that federal involvement was inappropriate. In addition there was an attitude among some that certain of the activities encouraged in federal legislation were private functions and should not be taken over by governments. Only Congressional pragmatism, reflected in the willingness to adopt whatever solution to the problem seemed viable at the moment, overcame this constraint, although television was undoubtedly a mitigating medium.

Although the lobbying organization was already in place, it represented a narrow constituency, unable to gather to its cause the multitudes that supported the civil rights and peace movements of the period or even the broad constituency involved in environmental protection. Only its ability to ride the wave of the consumer movement assured its success. Futhermore some of the groups that seemingly should have been the strongest advocates of any program to reduce fire losses opposed federal action much of the time. The NFPA and a substantial portion of the insurance industry curbed the tendencies toward a growing federal involvement for a number of years. The majority of the national fire service organizations sat on their hands or registered opposition in the early and middle 60s, although they supported the 1974 legislation strongly.

Institutional Readiness

"Institutional readiness" contributed to change. That is, the institutions in society that participated in the policymaking process were attuned to new initiatives. The President, the Congress, the bureaucracy, and interest groups were poised for action. Only political parties and the judiciary played no role, except that President Lyndon Johnson's position as titular head of the Democratic Party probably attracted support from uncommitted Democrats. Nevertheless the Republicans adopted no position against it and certain Republican Senators proved to be zealous supporters. Fire policy never developed as a partisan issue.

Presidential readiness was assured by the presence of Johnson in the White House when the movement reached its peak. He embraced a philosophy that looked kindly on the use of government to solve problems. In fact he contributed to the impetus of the movement by advocating fire safety legislation in his consumer messages. Later Presidents involved were not so enthusiastic, but neither Richard M. Nixon nor Gerald R. Ford opposed the program. President Ford did threaten to veto the 1974 measure unless authorization ceilings were reduced and other changes made.

The Congress was overwhelmingly Democratic; in fact, it was so heavily weighted in that direction that the northern liberals could hold sway. This is not to say that the Republicans did not support the fire programs. They did, and sometimes they were in the vanguard of the movement. But the overwhelming numerical superiority of the liberal Democrats, coupled with their traditional willingness to sanction government growth, lessened opposition to almost negligible proportions. The whole atmosphere associated with the Great Society and its avalanche of federal grants-in-aid made one more program a matter of little concern. Congressmen were looking for programs to sponsor.

In addition, as James Q. Wilson has pointed out, "the Congress of 1968 or 1978, much more than that of 1948, is susceptible to the power of ideas whenever there seems to be a strong consensus." This means that ideas with strong symbolic appeal, such as consumerism or safety, "are handled by a political process in which the advantage lies with the proponents of the change."[201] Thus prospects for new legislation were enhanced in contrast to earlier periods in our history when the advantage lay with the opponents. As

Congress became more susceptible to ideas, the problems associated with getting the fire proposals on the agenda for consideration diminished.

The bureaucracy also was prepared for the move. In fact NBS had instigated it. Already in place on the federal level was a science policy community with a fire program. This both mitigated the issue of legitimacy and produced a continuous interest in fire. In addition it provided an existing situs for future expansion. It was the "nose under the tent," so to speak.

There was in place, as well, an extensive lobbying mechanism, in the guise of the fire services, with roots in every Congressional district. It was well organized and financed and had a leadership knowledgeable about the legislative process.

Forces For Expansion

Into an environment more favorable than not moved the forces that precipitated *The Fire Research and Safety Act of 1968.* Preeminent at the moment was the consumer movement that was co-opted by the scientific-academic complex, the Department of Commerce, and the fire groups as a convenient vehicle for delivery. Consumerism was in its heyday. Between 1966-70 Congress passed at least 18 major laws on consumer protection.[202] It was simple to relate fire safety to the consumer movement and ride that tide to enactment. Presidential endorsement in consumer messages provided the necessary boost for success.

Add to this the civil defense needs highlighted by the Cuban Missile Crisis, the Cold War, and nuclear proliferation and the convergence of three policy streams created a tide difficult to stem. The notable success of the Forest Service in reducing forest fires through the use of airplanes and the "Smokey the Bear" campaign set an example of what could happen if the federal government became involved.

The national fire service organizations had become more sophisticated and articulate. The IAFC kept beating the drum with presistent resolutions, although these did not attract much attention in the Congress. A few chiefs, along with some fire training people and others, issued a coherent statement at Wingspread around which fire groups could rally. The momentum it created eventually resulted in establishment of the Joint Council of Fire Service Organizations at Williamsburg in 1970 sponsored by the NFPA, which had moderated its stand and pressed for federal action in some areas. For the first time the fire interests presented a united front on federal action. While that occurred too late for the 1968 legislation, fire service activity had intensified. The IAFF was an especially strong lobbying force, but all the groups in the Joint Council provided support, although some efforts were directed toward molding the federal action to conform to particular viewpoints.

Several events were fortuitous, at least for fire policy, and provided needed stimulation at critical times. The Baltimore fire of 1904, although only one of a series of major disasters, was close enough to the nation's capitol to attract governmental attention, particularly that of the National Bureau of Standards. The incendiary bombing during World War II initiated research into fire behavior financed by defense agencies. The 1942 Coconut Grove fire in Boston that killed 492 occurred about the same time and added to fire prevention interest. The formation of the NAS-NRC Fire Committee, unnotable at the outset, kept up an interest in fire and served as a nucleus for a scientific fire community. The decision to move NBS and creation of the Forest Products Research Laboratories stimulated an assessment of fire needs and a move to expand and upgrade the NBS program. The 1966 Wingspread Conference began a unification movement among the national fire services that the Williamsburg Conference of 1970 catalyzed into the Joint Council, consolidating fire service support. The 1968 riots and Presidential endorsement of fire safety legislation at the peak of the movement added the final boost needed for adoption. All of these events helped produce the convergence of policy streams that resulted in the enactment of the 1968 law.

The Threshold Crossed

Once *The Fire Research and Safety Act of 1968* was passed, the issue of legitimacy of

federal fire prevention and control activities was settled. After that it was no longer a question of "whether" the federal government would become more involved, but "when," "how," and "to what extent." Title I had already opened the door for federal action, and the report of the National Commission on Fire Prevention and Control, *America Burning*, insured that it would come quickly, even though it left the other questions unanswered.

The 1974 Legislation

Undoubtedly the major immediate influences on the enactment of *The Federal Fire Protection and Control Act of 1974* were the 1968 legislation and the work of the National Commission that it established. Once the Commission hearings got underway, the fact that a new federal fire program would be enacted was assured. The testimony of need for federal action was almost unanimous. When *America Burning* was issued, its recommendations attracted widespread support. This was in part because the need was well documented, in part because the fire service organizations had gotten together in the Joint Council to present a unified position, in part because the consumer movement had raised the level of concern for safety, and in part because television gave everyone an opportunity to witness fire destruction and suffering. Pressure for legislation came from all directions. What disagreements existed were largely concerned with the agency's status and its location in the federal bureaucracy. Few questioned the desirability of the new program, although the small cluster of legislators voting against it at one stage or another of the legislative process expressed misgivings about the appropriateness of the federal role.

If the path of passage was smooth, the course of implementation was not. For both the 1968 and 1974 acts, there were delays in funding and appointments. OMB, regardless of which Administration was in power, seemed ever ready to reduce or eliminate funds. Presidential support for the U.S. Fire Administration seemed less then enthusiastic. Then hardly had it begun operations when an executive reorganization placed it in a new agency along with other organizations whose missions differed, and public demands for reduced federal spending assured a tight budget.

The Actors

In the incubation period leading to the establishment of the U.S. Fire Administration, numerous individuals and organizations contributed in a variety of ways that either fertilized the environment or oiled or steered the mechanism through the passageway to adoption. They were the "precipitators/legitimizers," "initiators," "sustainers," "impresarios," "promoters," and "supporters" in this process. A few who interfered with the progress toward passage were the "constrainers." These classifications are not intended to be either laudatory or perjorative. Whether a "supporter" or "constrainer" plays a worthwhile role depends on one's attitude toward government growth, the federal system, and the appropriate national role in fire protection.

The "precipitators/legitimizers" stimulated immediate action and lent the weight of their authority to it. They included President Johnson, the National Commission on Fire Prevention and Control, civil defense authorities, and the Federal Council for Science and Technology, especially its Gallagher Committee. Each of these performed both functions. Through his consumer messages, the President both encouraged the enactment of fire safety legislation and gave legitimacy to the NBS and Commerce moves in that direction. The National Commission precipitated the 1974 act through its recommendations, which, because they came from an official group with substantial prestige, lent legitimacy to demands for a federal program. Commission Chairman Richard E. Bland probably deserves special notice in this respect, but the group as a whole was dedicated and hard working. Earlier the Federal Council sparked the move by the NBS to take on new fire activities. Its organization under the White House science adviser and its representation of all federal agencies dealing with science endowed its actions with objectivity and official endorsement. Those operating the civil defense program also precipitated

actions by others. Throughout the 50s and 60s, they were engaged in stimulating executive orders, financing research, and other actions related to fire.

The "initiators" were NBS and members of the Congress. At various times each began some official action to expand federal fire activities. Senators Magnuson, Mathias, and Sparkman, and Representatives Davis and Steele each introduced major legislation or took actions that had an impact on the creation of the new agency. Representatives Miller and Teague were introducers of the Administration and National Commission bills in the House, but they did this primarily as delegates and left the action roles to Representatives Daddario and Davis. Mathias and Steele introduced numerous fire bills in the 1972 session, fertilizing the environment for later action. Many of their provisions appeared in later legislation. Magnuson introduced and piloted through the Senate both the 1968 and 1974 acts and is given major credit for beginning the legislative move in 1968. Sparkman, whose role was more limited, introduced the legislation that provided for the establishment of the National Commission, later incorporated into the 1968 law. Rep. Barrett performed a similar function in the House. Beall provided major support on the floor of the Senate as well as behind the scenes. Throughout the 1960s, NBS, engaged in efforts to expand its fire research, initiated proposals toward this end. During the period of Astin's leadership, in particular, its proposals included new functions for the Bureau.

Those responsible for keeping interest in federal involvement in fire problems alive could be called "sustainers." Prominent in this category are NBS, the NAS-NRC Fire Committee, and IAFC. All of these operated over the years in such a way as to sustain interest in federal fire activities. Civil defense contributed to this as well. NBS continued its fire research and worked to expand it. The NAS-NRC Fire Committee sponsored conferences and symposia and published reports throughout the period. In addition it served as a channel for exchange of information among various institutions and interests, forming the nucleus of an informal coalition promoting expansion. The fire chiefs kept the drums beating throughout the 1960s, focusing what attention they could on the need for federal assistance. Other fire organizations either expressed little interest or opposed proposed federal actions during this period.

NBS Director Astin, Assistant Secretary of Commerce Hollomon, Consumer Advisor Esther Peterson, and Civil Defense's James Kerr all loom large as "impresarios," those who worked to manage others in order to promote the interests of their own organizations. Hollomon tried to get the fire safety proposals in the 1967 Consumer Message and he and Astin strived to expand the fire functions of NBS during an earlier period. Peterson pushed for a consumer message, thus providing an opening for the fire recommendation. Kerr kept the civil defense organization involved with fire activities and instigated conferences and publications that advocated a wider federal role. He spread a wide net to capitalize on fire organizations and activities for civil defense purposes.

Major "promoters"—those who pushed and managed people and processes until the goal was reached—were Magnuson, Daddario, Davis, and the Joint Council. McClennan deserves special notice in connection with the latter group. He and the IAFF were major forces in stimulating grassroots pressure and convincing members of Congress to support the 1974 act. The Joint Council brought to bear the concerted efforts of the fire organizations in order to get the Academy they wanted so badly as well as to insure some kind of fire agency. Daddario chaired the House Subcommittee handling the 1968 legislation and served as floor manager for the bill. Davis was in the same position for the 1974 law. Both worked skillfully to lessen opposition to the bills and steer them to passage. Steele should be mentioned because of his continuing efforts to get the 1974 legislation adopted—efforts highly praised by those supporting the legislation.

Two organizations stand out among the "constrainers"—the NFPA and the OMB—although all national fire service organizations except the IAFC originally opposed an expanded role of NBS. NFPA was especially

effective in fighting NBS's expansion moves during the early 1960s and led the opposition to the 1968 legislation, although it lent lukewarm support to the establishment of a national commission to study the problem. By 1970 it moderated its opposition and was the guiding force behind the Williamsburg Conference that sparked cooperation among the fire groups and, in general, supported the 1974 law, although with reservations. NFPA's focus during the 1970s was on molding the federal fire programs to coincide with its concept of the proper federal role. That concept would avoid federal assumption of responsibilities already undertaken in the private or state and local sector. Hence it could support the Academy with enthusiasm and temper endorsement of certain other programs. Testimony and publications were carefully worded to endorse goals of public education, data collection, and the like, while at the same time promoting NFPA's performance of the activity with federal support rather than federal performance. On the data collection, for example, after pointing out that NFPA had the most extensive fire data collection, Morgan urged "federal funding to broaden and enhance the present data system." Because of its preeminent position among fire groups, any opposition NAPA expressed was especially effective. Bugbee and Morgan were its principal spokesmen.

The budget agency was an opponent of NBS expansion efforts in the early 1960s. Later, during consideration of the 1974 legislation, OMB raised objections and during the period leading to final passage expressed opposition that forced recommitment of the measure to the Conference Committee. As the federal agency most concerned with limiting of federal spending, and as the representative of the President in such matters, its position is understandable. President Ford was a constrainer, also, with his threatened veto until authorizations were reduced.

The "supporters" were legion. In addition to the large number of members of Congress who sponsored legislation or spoke in favor of one or more bills, the list includes the American Municipal Association (later the National League of Cities), the Factory Mutual Insurance group, the Imported Hardwood Products Association, fire equipment manufacturers, individual physicians involved in burn treatment and research, and the fire services. Among the strongest Congressional supporters were Mosher, Pettis, Steele, Stevens, Beall, Cotton, and Weiker.

Special Magnuson Role

Sen. Magnuson generally is credited with having the most legislative influence on both the 1968 and 1974 fire legislation. He served as a Congressional advisory member of the National Commission on Fire Prevention and Control and sponsored both the 1968 and 1974 laws. In addition he chaired the Consumer Subcommittee that processed the bills and urged President Johnson to include fire safety in his Consumer Protection Message.

How much of Magnuson's interest in fire safety legislation was a personal concern and how much the result of constituent pressures and other influences is a matter of disagreement among some who were involved in activities related to the fire safety legislation at that time. Bryan says that a number of members of Congress supported the 1967 bill in response to their constituents. He believes that Magnuson's interest reflected the interest of the Seattle fire service and the State of Washington fire professionals. Gordon Vikery, then chief of the Seattle fire department and currently Administrator of the U.S. Fire Administration, had close ties to Magnuson.[203] He frequently discussed fire service needs with both Magnuson and his wife. Percy Bugbee also saw the hands of the fire services in Magnuson's backing and believes they were the ones who interested Magnuson in it.[204] McClennan says that the fire services urged Sen. Magnuson to do something for the fire services and helped draft the act.[205] Others believe that it was the Senator's wife who exerted the telling pressure. She was a consumer advocate concerned with safety and lived next door to Vickery for 15 years. According to him, she worked hard for fire safety.[206] Michael Pertshuk, a former general counsel to the Commerce Committee and currently chairman of the Federal Trade Commission, reportedly was concerned about fire protection and supported Magnuson's efforts in this connection.[207]

Magnuson built a record of working with consumer matters, particularly as chairman of the Subcommittee on Consumer Affairs. He gave up the chairmanship of the Subcommittee on Merchant Marine and Fisheries, an area of major importance to his home state, to head the Consumer Subcommittee in 1967. This probably was as much a matter of good politics as it was an interest in consumer safety. According to one account Magnuson had won reelection by a close margin in 1962 (52.1%) and realized the need to appeal to a larger constituency. Consequently at the urging of aides, he changed his campaign emphasis from bringing new industry to Washington State to consumer protection, plastering the state with billboards proclaiming his role in consumer legislation. His 1968 margin of victory was 64.4%.[208]

No reason exists why all these factors could not have played a part in Magnuson's sponsorship of the legislation. In addition as chairman of the subcommittee concerned with the bill, he was the Administration's surrogate for consumer legislation. No doubt the relationship of this proposal to others regarding flammable fabrics legislation also added to his interest. Magnuson subsequently served as one of the four Congressional advisory members of the National Commission on Fire Protection and Control, established by the 1968 act, and sponsored *The Fire Prevention and Control Act of 1974.*

The Time Was Right

Magnuson and all of the others involved in bringing about the establishment of the U.S. Fire Administration might have been ineffective, nonetheless, without the convergence of ideas, policy streams, and events that came together in 1968 to facilitate the passage of *The Fire Research and Safety Act.* Had they worked in another time frame when federal governmental activity was less acceptable, or without the fertilization of the environment that had occurred by this point, their efforts might not have met with success. Their achievement rests in large part on the fact that they were dealing with an idea whose time was right.

Figure 1 shows that, beginning about 1961, there was an intensification of fire-related activity in the science, civil defense, and forestry streams of national policy that continued until the fire safety legislation was introduced. The consumer stream surged somewhat later and reached its peak about the time that the country witnessed on television the Apollo spacecraft fire and the 1967 riots. At the same time demands of the fire services for federal assistance were becoming stronger, although there was no agreement as to the form the assistance should take. The momentum created by the convergence of all these streams and events was greater than that of any of them alone. And from this convergence came a new national policy stream—fire protection—small though it was.

Had the push for increased federal fire activity peaked in the 1950s, it is doubtful that fire safety legislation would have been placed on the national agenda. The President and Congress were involved elsewhere. Furthermore the occupants of the White House and Congressional chambers differed from those of the later period. The expansion of federal grants-in-aid was just commencing, the consumer movement was just aborning, and the fire services had not defined their problems and did not look to the federal government to finance the technology that might provide solutions. Ten years later the idea would have run into stronger efforts to cut federal spending and to reduce the federal role. Fiscal constraints even stronger than those that hampered implementation of the fire legislation were operating. The new federal policy was adopted because all the forces pushing for it converged at a moment of institutional readiness to adopt it.

By 1974 the sources of momentum for establishment of the USFA had shifted to the new fire policy stream. The peak of the consumer movement had passed, although there was still considerable interest in safety. No particular civil defense needs pointed to a stronger federal role in fire protection. The Forest Service had achieved a goal with the enactment of the Rural Community Fire Protection Program. On the other hand fire services had finally agreed on what they wanted. The National Commission on Fire Prevention and Control had issued its report, *America Burning.* Congress, which already had

jumped the hurdle of establishing a new national policy stream, was flooded with fire bills. Support surfaced from many directions. The arguments were not over whether or not a new federal agency would be created but over its status, location, and financing. The convergence had produced a new agency as well as a new policy stream.

FOOTNOTES

[1]Lyons, *op. cit.*, p. 122.
[2]N. Ernest Dorsey, "Some Memories of the Early Days at NBS," MSS, NBS historical files, as recounted in Rexmond C. Cochrane, *Measures for Progress: A History of the National Bureau of Standards*, Washington, DC, U.S. Department of Commerce, 1966, p. 84.
[3]David B. Gratz, vice president, International Association of Fire Chiefs' Foundation and former president, International Association of Fire Chiefs (IAFC), telephone interview, June 12, 1979.
[4]Dr. Alexander F. Robertson, NBS Fire Research Center, interview, January 17, 1979.
[5]Cochrane, *op. cit.*, p. 130.
[6]Robertson interview, *op. cit.*
[7]Testimony of Samuel W. Stratton, chief, NBS, at Senate Hearings, May 22, 1912, as quoted in Cochrane, *op. cit.*, p. 130.
[8]*Ibid.*, pp. 130-31.
[9]*Ibid.*, p. 131.
[10]A.F. Robertson, senior scientist, Center for Fire Research, NBS, letter, June 8, 1979, to Mavis Mann Reeves, ACIR.
[11]*The Federal Fire Prevention and Control Act of 1974*, P.L. 93-498.
[12]John Rockett, NBS, telephone interview, January 12, 1979. During the 1960s Rockett was director of Fire Research for Factory Mutual, an association of industrial insurance companies, and after September 1968, chief of the Office of Fire Research and Safety for NBS.
[13]*Congress & the Nation, 1965-1968*, Washington, DC, Congressional Quarterly, Inc., 1969, II:816.
[14]*Ibid.*
[15]Percy Bugbee, former general manager, NFPA, telephone interview, November 8, 1978.
[16]"Proposed Department of Commerce Program for Providing Support to National Fire Technology Efforts," Washington, DC, US Department of Commerce, January 18, 1963 (mimeographed). Located in files of NBS. The conference recognized: (1) a need for improved design and construction of buildings to increase their fire safety; (2) a need for technical basis for modernization of statutes, codes, and ordinances to eliminate antiquated and obsolete regulations; (3) a need for education at all levels to increase public awareness of fire hazards; (4) a need for improvement in fire fighting methods with provisions for training facilities for those who fight fires; and (5) a need for research on the nature of fire.
[17]40 U.S.C. 484.
[18]67 Stat. 111.
[19]A minor amendment in 1954 lowered the flammability standards for certain plain-surface fabrics such as organdy, tulle, and georgette. This apparently resulted from the desire not to deter imports of Japanese scarves at a time when the United States was promoting the economic development of Japan. Robertson letter, *op. cit.*
[20]James Ryan, NBS, telephone interview, January 11, 1979.
[21]Robertson letter, *op. cit.*
[22]*A Proposed Fire Research Program*, Washington, DC, National Academy of Sciences, National Research Council (NAS-NRC), Committee on Fire Research, 1959.
[23]Rockett, *op. cit.*
[24]According to Frederick B. Clarke, director of the Fire Research Center, NBS, Emmons "was a real crusader who lectured Congress, made a world tour, and pointed out advanced activities in Britain and Japan," interview, January 17, 1979.
[25]A.F. Robertson, "Plans for an Expanded Fire Technology Program in the Department of Commerce," January 25, 1963, MA, NBS files.
[26]*Fire Research: Proceedings for First Correlations Conference*, Washington, DC, NAS-NRC, Committee on Fire Research, Publication 475, 1947.
[27]Rockett, *op. cit.*
[28]Letter from H.C. Hottel, chairman, Committee on Fire Research, to Dr. Frederick Seitz, president, National Academy of Sciences, Washington, DC, November 30, 1964, in files of NBS.
[29]*A Proposed Fire Research Program, op. cit.*
[30]Hottel, *op. cit.*
[31]*Ibid.*
[32]*Ibid.*
[33]*Ibid.*
[34]Robertson letter, *op. cit.*
[35]*A Study of Fire Problems*, Washington, DC, NAS-NRC, Committee on Fire Research, 1961, Publication 949, p. 100.
[36]Hottel, *op. cit.*
[37]*Ibid.*
[38]Robertson interview, *op. cit.*
[39]Hottel, *op. cit.*
[40]*Ibid.*
[41]*Ibid.*
[42]Robertson interview, *op. cit.*
[43]*Proceedings of the 89th Annual Conference, IAFC, Toronto, Ontario, Canada, September 24-27, 1962*, Washington, DC, IAFC, p. 156; *Proceedings of the 90th Annual Conference, IAFC, Memphis, Tennessee, October 28-31, 1963*, Washington, DC, IAFC, p. 50.
[44]See, "Report of the General Manager, Richter Townsend," IAFC, *Proceedings of the IAFC*, 1964; and Letter to H.C. Hottel, chairman, Committee on Fire Research, from Horatio Bond, chief engineer, NFPA, November 20, 1964, in NBS files.
[45]Letter to John Garvey, Jr., American Municipal Association, from J. Herbert Hollomon, assistant secretary of Commerce, July 26, 1963, in response to Garvey letter expressing disappointment that NBS did not appeal to the Senate Appropriations Committee to reinstate the request for additional funding. Hollomon letter in files of NBS.
[46]U.S. Department of Commerce, "Proposed Department of Commerce Program for Providing Support to National Fire Technology Efforts," Preliminary Draft—for Discussion Only, Mss. in NBS files, January 18, 1963.
[47]Robertson letter, *op. cit.*

[48]U.S. Department of Commerce, "Proposed Department of Commerce Program for Providing Support to National Fire Technology Efforts," *op. cit.*

[49]U.S. Department of Commerce, General Administration, *Fire Technology, Fiscal Year 1964 Budget Estimates,* Bureau of the Budget Submission, Washington, DC, October 8, 1962.

[50]As quoted in *Congressional Quarterly Weekly Report,* Washington, DC, Congressional Quarterly, Inc., July 21, 1967, p. 38.

[51]*State, Justice, Commerce, the Judiciary, and Related Agencies Appropriations, 1963. Hearings Before a Subcommittee of the Committee on Appropriations, House of Representatives,* 87th Congress, 2nd Sess., Washington, DC, U.S. Department of Commerce, 1962, p. 936.

[52]Rockett, *op. cit.*

[53]Townsend, IAFC, *1964 Proceedings, op. cit.,* p. 56; *Congressional Quarterly Weekly Report, op. cit.,* pp. 38-39; *Congress & the Nation, 1965-68, op. cit.,* II: 817.

[54]"The row is dormant but can be resurrected," *Occupational Hazards,* October 1963, p. 140; Hottel, *op. cit.; Mutual Review,* August 1963, NBS files.

[55]Rockett, *op. cit.*

[56]*State, Justice, Commerce Hearings, op. cit.,* p. 948ff.

[57]A.F. Robertson, NBS, telephone interview, January 11, 1978.

[58]"Statement of Purpose and Justification for Legislation Establishing A Fundamental Fire Research Program at the National Bureau of Standards," October 1965, Gaithersburg, MD, NBS files.

[59]David B. Gratz, vice president, IAFC Foundation, and a participant in events of this period, telephone interview, January 23, 1979.

[60]"Testimony of James W. Kerr before the Subcommittee on Science and Astronautics, House of Representatives, October 11, 1972," *The International Fire Chief,* 38:10, December 1972, p. 12.

[61]Robertson letter, *op. cit.*

[62]*Proceedings of the 89th Conference, op. cit.,* p. 132. The plan was designated Annex 21 to *The National Plan for Civil and Defense Mobilization.*

[63]Gratz interview, *op. cit.,* October 18, 1978.

[64]*Ibid.*

[65]*Ibid.*

[66]William R. Moore, James W. Jay, and John H. Dieterich, *Defending the United States from Nuclear Fire: A Resume of the Final Report of the National Fire Coordination Study,* Washington, DC, U.S. Department of Agriculture, Forest Service, Division of Fire Control, August 1966, p. 11.

[67]Lyons, *op. cit.,* p. 218.

[68]*Ibid.,* p. 222.

[69]Don O'Brian, "Injury Survey Important to Fire Services," *Fire Engineering,* 118:7, July 1965, p. 31.

[70]*Proceedings of the 89th Conference, op. cit.,* pp. 168-69.

[71]David Gratz (interview, October 12, 1978) says that the IAFC endorsed this resolution in an effort to get a greater voice in the policymaking being done at Civil Defense. Historically, that agency had made many decisions affecting the fire services without consulting them.

[72]*Proceedings of the 87th Annual Conference, IAFC, Rochester, NY, September 12-15, 1960,* Washington, DC, IAFC, p. 132; *Proceedings of the 89th Annual Conference, op. cit.,* pp. 156, 167-79; *Proceedings of the 90th Annual Conference, op. cit.,* pp. 50, 167; *Proceedings of the 92nd Annual Conference, IAFC, Miami, Florida, October 18-21, 1965,* Washington, DC, IAFC, pp. 193-94.

[73]*Proceedings of the 89th Annual Conference, op. cit.,* p. 155.

[74]Letter from Michael J. Smith, acting director of research, IAFF, January 10, 1978.

[75]Gratz, *op. cit.,* January 23, 1979.

[76]Gratz, *op. cit.,* October 12, 1978.

[77]*Wingspread Conference on Fire Service Administration, Education, and Research: Statements of National Significance to the Fire Problem in the United States,* Racine, WI, The Johnson Foundation, February 1966, pp. 2-16.

[78]*Ibid.,* p. 16.

[79]Richard E. Bland, telephone interview, November 9, 1978.

[80]Bugbee, *op. cit.*

[81]Joseph E. Clark, interview, November 21, 1978.

[82]Bryan, *op. cit.*

[83]Rockett, *op. cit.*

[84]Gratz, *op. cit.,* October 12, 1978.

[85]Donald F. Favreau, "Crisis in Higher Education," *Fire Engineering,* 121:4, April 1968, p. 57.

[86]Rocket believed it did not have much effect (interview, *op. cit.*). Clark thought it had some impact but that it was secondary (interview, *op. cit.*). J. Howard McClennan, president, IAFF, did not attach much importance to it since the fire safety legislation "was already rolling when the astronauts fire occurred," but agreed that it did not harm the push for fire legislation (telephone interview, October 7, 1978). At the least it lent credibility to witnesses and made the fire problem visible (Bryan, *op. cit.*). "No one could say that every effort had not been made to protect the astronauts" (Bugbee, *op. cit.*). On the other hand one observer felt that the spacecraft fire generated the feeling that if we know this little about fire in a program with this much money and this much talent, we need to get more information (Bryan, *op. cit.*).

[87]Lyons, *op. cit.,* p. 222.

[88]McClennan, *op. cit.*

[89]*Congressional Record,* 80th Congress, 1st Sess., 113: 22837.

[90]Mark V. Nadel, *The Politics of Consumer Protection,* Indianapolis, IN, The Bobbs-Merrill Company, Inc., 1971, pp. 32-33.

[91]Dean Coston, telephone interview, November 29, 1978.

[92]Gratz, *op. cit.,* October 12, 1978.

[93]Ken Gray, telephone interview, November 13, 1978.

[94]Coston, *op. cit.*

[95]McClennan, *op. cit.*

[96]Interview with William Hanbury, USFA, November 11, 1978.

[97]*Congressional Record,* 80th Congress, 1st Sess., 113: 22837.

[98]*Special Report to NFPA Members, Current U.S. Federal Government Proposals on Fire Research and Safety,* Boston, MA, NFPA, April 1967.

[99]"Watching Watchdog Legislation," *Fire Journal,* September 1970, p. 177.

[100]*Congressional Record,* August 16, 1967, 113:22837.

[101]"Fire Research and Safety Act," *U.S. Code, Congressional and Administrative News, 90th Congress, 2nd Sess., 1968,* Vol. 2, St. Paul, MN, West Publishing Co., 1968. Information is from "House Report No. 522" included in this document, pp. 1687, 1693.

[102]See, *Special Report to NFPA Members, op. cit.,* and "Statement by Charles S. Morgan presented to the Committee on Banking and Currency, U.S. House of

Representatives, April 21, 1967."
[103] *Ibid.*
[104] *Congressional Quarterly Almanac, 1968,* Washington, DC, Congressional Quarterly, Inc., 1969, p. 356.
[105] P.L. 90-259.
[106] *Congressional Quarterly Almanac, 1968, op. cit.,* p. 356.
[107] *Ibid.*
[108] *Ibid.,* p. 6-H.
[109] "A Department of Commerce, United States Government Memorandum of July 27, 1967, by John F. Christian, special assistant to the director, IAT," NBS files.
[110] *Ibid.*
[111] Letter from Percy Bugbee, general manager of NFPA to Rep. Donald E. Lukens, August 25, 1967, NBS files.
[112] Joseph E. Keller, "Sick Fire Research Needs Transfusion of Federal Dollar," *Fire Engineering,* 123:5:42.
[113] Rockett, *op. cit.*
[114] "Statement of the International Association of Fire Chiefs in regard to the Fire Research and Safety Act," *The International Fire Chief,* 35:6, June 1970, p. 4.
[115] *A Program for the Fire Research and Safety Act, Report of the Subcommittee on the National Bureau of Standards of the Committee on Science and Astronautics, U.S. House of Representatives, 91st Congress, 2nd Sess., July 1970,* Washington, DC, U.S. Government Printing Office, 1970, p. 1.
[116] Members were: Tommy Arevalo, lieutenant, Fire Department El Paso, TX; Percy Bugbee, honorary chairman, National Fire Protection Association; John L. Jablonsky, vice president, American Insurance Association; Albert E. Hole, California State fire marshal; Anne W. Phillips, M.D., Harvard Medical School and burn specialist, Massachusetts General Hospital; Roger M. Freeman, Jr., president, Allendale Mutual Insurance Co.; Ernst R.G. Eckert, professor, University of Minnesota; Keith E. Klinger, chief emeritus, Los Angeles County Fire Department; Robert A. Hechtman, R.A. Hechtman and Associates; Louis J. Ambrili, director, Delaware State Fire School; Peter S. Hackes, NBC, Washington, DC; William J. Young, chief, Fire Department, Newington, NH, Dorothy Duke, consultant to National Council of Negro Women; John F. Hurley, fire commissioner, Rochester, NY; John A. Proven, Fire Equipment Manufacturers Association; Baron Witaker, president, Underwriters' Laboratories; Frederick B. Dent, Secretary of Commerce; and James T. Lynn, Secretary of HUD. In addition the Speaker of the House of Representatives named Rep. John W. Davis of Georgia and Rep. Jerry L. Pettis of California and the President of the Senate designated Sen. Warren G. Magnuson of Washington and Sen. Ted Stevens of Alaska to serve as Congressional advisory members. *America Burning, op. cit.,* pp. V-VI.
[117] Bland, *op. cit.*
[118] *Ibid.*
[119] *America Burning, op. cit.,* p. 1.
[120] *Ibid.*
[121] The minority report appears as a part of *America Burning, op. cit.,* pp. 151-59.
[122] *Ibid.,* p. 156.
[123] 84 Stat. 197; 42 U.S.C. 3701 et seq.
[124] McClennan, *op. cit.*
[125] Gratz, *op. cit.,* October 12, 1978.
[126] Bryan, *op. cit.*
[127] Letter from Charles S. Morgan, president, NFPA, to Mavis Mann Reeves, ACIR, dated July 30, 1979.
[128] *Conference of National Fire Service Organizations, Williamsburg 1970: National Goals of the Fire Service,* Boston, MA, NFPA, 1970. The National Association of Black Professional Fire Fighters later affiliated with the Joint Council.
[129] *Ibid.*
[130] Gratz, *op. cit.,* October 10, 1978.
[131] Bryan, *op. cit.*
[132] Morgan letter, *op. cit.*
[133] Bugbee, telephone interview, September 5, 1979.
[134] *The Fire Problem: A Statement by the National Fire Protection Association,* Boston, MA, NFPA, circa 1971, p. 39.
[135] Bryan, *op. cit.;* Bugbee, September interview, *op. cit.*
[136] *Ibid.*
[137] *The Fire Problem, op. cit.*
[138] Rockett, *op. cit.* Both Bugbee and Morgan denied this.
[139] Resolution No. 105, IAFF, 29th Annual Convention, Toronto, Canada, August 19-23, 1968.
[140] Smith, *op. cit.*
[141] Raymond L. Bancroft, *Municipal Fire Service Trends: 1972,* National League of Cities Research Report, Washington, DC, National League of Cities, 1972.
[142] "Senate Bill Seeks Matching Funds for Training Volunteers," *Fire Engineering,* 122:9, September 1969, p. 49.
[143] Joseph Clark recalls the major effort of his entire staff at NBS in answering each letter individually (interview, *op. cit.*).
[144] S. 3476-3482; H.R. 12892-12900.
[145] "Challenge to the Fire Service: The Report of the National Commission on Fire Prevention and Control," *The International Fire Chief,* 39:6, July 1973, pp. 4-5.
[146] *Fire Prevention and Control: Hearings before The Subcommittee on Science and Astronautics, U.S. House of Representatives, 93rd Congress, 1st Sess., July 21, 26, 31, and August 1-2, 1973,* Washington, DC, U.S. Government Printing Office, 1973, p. 1.
[147] *Ibid.,* passim.
[148] *Ibid.,* p. 261.
[149] *Ibid.,* p. 157.
[150] *Ibid.,* p. 357ff.
[151] *Fire Prevention and Control Act of 1973. Hearings Before The Committee on Commerce, United States Senate, 93rd Congress, 1st Sess. on S. 1769, September 24 and 26, 1973,* Washington, DC, U.S. Government Printing Office, 1973, pp. 72-84.
[152] "Senate Report No. 93-6217, Appendix II," *U.S. Code Congressional and Administrative News, op. cit.,* pp. 6214-17.
[153] *Congressional Record,* 119:35306-08.
[154] Senate Report No. 93-6217, *op. cit.,* p. 6192.
[155] *Ibid.,* pp. 6193-94.
[156] *Congressional Record,* 119:35843.
[157] *Ibid.,* p. 35844.
[158] *Ibid.,* p. 35845.
[159] *Ibid.,* 120:12027.
[160] *Ibid.*
[161] *Ibid.,* p. 12045-47.
[162] *Ibid.,* 120:12031-32.
[163] *Ibid.*
[164] *Ibid.,* p. 12031.
[165] *Ibid.,* p. 12052.
[166] *Ibid.,* p. 35030.
[167] *Ibid.*
[168] *House Conference Report 93-1413, October 2, 1974* (To accompany S. 1769).

[169] *Congressional Quarterly Almanac, 1974,* Washington, DC, Congressional Quarterly, Inc., 1979, p. 332.
[170] *Ibid.*, p. 35031.
[171] "Federal Fire Prevention and Control Act of 1974: Statement by the President Upon Signing the Bill Into Law. October 29, 1974," *Weekly Compilation of Presidential Documents, Monday, November 4, 1974,* Washington, DC, U.S. Government Printing Office, 10:44:1384.
[172] "Statement of Professor Richard E. Bland," *National Fire Protection and Control Administration, Legislative History,* 1:109, Library of the U.S. Fire Administration.
[173] *Congressional Record,* 120:12035.
[174] Clark, *op. cit.*
[175] Bugbee, *op. cit.*
[176] Bland, *op. cit.*
[177] Rockett, *op. cit.*
[178] Bland, *op. cit.;* Bugbee, *op. cit.*
[179] Clark, *op. cit.*
[180] Rockett, *op. cit.*
[181] Senate Report, *op. cit.*, pp. 6213-17.
[182] Interview with Thomas Hughes, USFA, November 2, 1978.
[183] "First Annual Report of the Secretary of Commerce on Implementation of the Federal Fire Prevention and Control Act of 1974," June 30, 1975, located in the files of the USFA.
[184] "Three Cheers for the Fire Academy," *National Journal,* July 8, 1978, p. 1088.
[185] *The Third Annual Report of the Secretary of Commerce on Implementation of the Federal Fire Prevention and Control Act of 1974 (Public Law 93-498): Report for Calendar Year 1976,* Washington, DC, U.S. Department of Commerce, National Fire Prevention and Control Administration, n.d., p. 26.
[186] *Fourth Annual Report of the Secretary of Commerce on Implementation of the Federal Fire Prevention and Control Act of 1974 (P.L. 93-498): Report for Calendar Year 1977,* Washington, DC, U.S. Department of Commerce, July 1978, p. 3.
[187] P.L. 95-422, October 5, 1978, 92 Stat. 932.
[188] *1978 Catalog of Federal Domestic Assistance,* Washington, DC, Executive Office of the President, Office of Management and Budget, 1978, p. 123.
[189] *Ibid.*
[190] *Fourth Annual Report, op. cit.*, pp. 11, 37-38.
[191] James Rita, director, Office of Administration, USFA, telephone interview, March 14, 1979.
[192] *Fire Prevention and Control: Fire Authorization, Hearings before the Subcommittee on Science, Research and Technology of the Committee on Science and Technology, U.S. House of Representatives, 95th Congress, 2nd Sess., February 2, 7, 1978,* Washington, DC, U.S. Government Printing Office, 1978, p. 3.
[193] *Reorganization Plan No. 3 of 1978: Message from the President of the United States Transmitting A Reorganization Plan to Improve Federal Emergency Management and Assistance, Pursuant to 5 U.S.C. 903 (91 Stat. 30),* 95th Congress, 2nd Sess., House Document No. 95-356, Washington, DC, U.S. Government Printing Office, 1978.
[194] *Reorganization Plan No. 3 of 1978 (Federal Emergency Management Agency). Hearings Before a Subcommittee of the Committee on Government Operations, House of Representatives, 95th Congress 2nd Sess., June 26 and 29, 1978,* Washington, DC, U.S. Government Printing Office, 1978, pp. 13, 86-87, 159.
[195] *Ibid.*
[196] P.L. 95-422, October 5, 1978, 92 Stat. 932.
[197] For a letter from Rep. Breckinridge and testimony of fire interests on the issue, see *Fire Prevention and Control, Fire Authorization Hearings, op. cit.*, passim.
[198] H.R. 1061 and 1062 introduced by Rep. John M. Murphy of New York.
[199] The NFPA estimated that incendiary fires or fires of suspicious origin increased from 24,000 in 1960, to 65,000 in 1970, and to 144,000 in 1975. Despite the efforts of NFPCA and the USFA, figures on fires are not completely reliable. This accounts for the consistent appearance of a data collection program throughout the fire legislation proposals. Although the data center now collects data from a number of states that have established statewide reporting systems, not all states participate in the program. The arson figures here are from *The Fire Journal,* Boston, MA, NFPA, as reported in the *Statistical Abstract of the United States 1977,* Washington, DC, U.S. Government Printing Office, 1977, p. 546.
[200] Figures for accidental deaths are drawn from the U.S. National Center for Health Statistics, *Vital Statistics of the United States,* and for catastrophic accidents from Metropolitan Life Insurance Company, *Statistical Bulletin,* and unpublished data, as cited in *Ibid.*, p. 73.
[201] "American Politics, Then and Now," *Commentary,* February 1979, p. 44.
[202] *Ibid.*
[203] Bryan, *op. cit.;* Vickery, *op. cit.*
[204] Bugbee, *op. cit.*
[205] McClennan, *op. cit.*
[206] Bland, *op. cit.;* Clark, *op. cit.;* Vickery, *op. cit.*
[207] Clark, *op. cit.*
[208] Mark V. Nadel, *The Politics of Consumer Protection,* Indianapolis, IN, The Bobbs-Merrill Company, Inc., 1971, pp. 111-12.

One Step At A Time: The Rural Community Fire Protection Program

Fire problems can be severe in rural areas. Fire and lightning strike about two out of every 100 farms each year, causing approximately 4,000 deaths and property losses estimated at well over $1 billion annually. When fire occurs in rural areas, the damage is about three to six times greater than when it strikes city property. This is because of the isolation of structures, the lack of fire fighting facilities in many neighborhoods, the less rigid wiring and construction standards, and unsafe heating equipment.[1]

Fire services for rural areas and small towns lag behind those of urban areas, a fact of significance since 42% of the nation's population lives in these areas. According to the Forest Service,

> There are 26,168 rural fire departments and about 20,000 rural fire places without fire protection. Of these potential 46,168 fire departments, approximately 26,000 were identified as needing assistance in organizing, training and equipping rural fire fighting to meet recommended state standards for fire protection.[2]

It was to meet these problems that Congress enacted Title IV of *The Rural Development Act of 1972* and the Forest Service developed the Rural Community Fire Protection Program. Intended as a three-year pilot program,

Figure 5

INCREMENTAL DEVELOPMENT OF THE RURAL COMMUNITY FIRE PROTECTION PROGRAM WITHIN THE FORESTRY STREAM OF FEDERAL POLICY

PRELIMINARY DEVELOPMENTS

1871 Peshtigo fire killed 1,500 and burned over a million acres.

1872 Congress made first important reservation of public land with creation of Yellowstone National Park.

1875 American Forestry Association organized.

1876 Dr. Franklin Hough named Special Assistant for Forestry to the Commissioner of Agriculture.

1881 Division of Forestry created in the Department of Agriculture.

1886 Division of Forestry given statutory status.

1890 Military Director of Yellowstone National Park initiated fire control program, thus making U.S. Army the first federal agency to combat forest fires.

1891 Congress authorized the President to set aside forest lands in the federal reserve.

1893 President Harrison placed first land in federal reserve for forestry purposes.

1894 Fires near Hinkley, MN, killed 418; Wisconsin fires burned several million acres, killed untold numbers.

1896 Secretary of the Interior appointed a National Forest Commission to study forestry management problem. It recommended the establishment of an administrative agency part of whose duties would be to develop a fire protection program.

1897 *Forest Management Act* gave Secretary of the Interior authority to protect and administer the federal reserve.

1905 Department of Agriculture's Bureau of Forestry assumed responsibility for forest reserves and began active management. Its name was changed to Forest Service.

1910 U.S. Forest Products Research Laboratory established by Forest Service in cooperation with the University of Wisconsin.

1910 Great Idaho fire burned three million acres.

COOPERATIVE FOREST FIRE PROTECTION BEGINS

1911 *Weeks Forest Purchase Act* authorized Forest Service to enter into agreements with states to protect from fire those lands situated on watershed of navigable rivers; authorized interstate compacts and federal matching grants to states fire protection.

1924 *Clarke-McNary Act* strengthened federal assistance, removed the limitation that restricted federal aid to forested watersheds of navigable streams, extended aid to include private forests.

1933 "Copeland Report" issued. *The National Plan for American Forestry* recommended, among other things, the doubling of funds for cooperative forestry under the *Clarke-McNary Act.*

1937 *Cooperative Farm Forestry Act* authorizes technical assistance to states for forest fire prevention.

1944 Congress authorized the Forest Service to spend up to $1 million annually for cooperative fire protection without matching funds (later rescinded) and to sell and distribute supplies, equipment, and materials to other federal agencies and to state and local governments that cooperate with the Forest Service in fire control.

1949 Congress amended and supplemented authorization for Sections 1, 2, and 3 of *Clarke-McNary.*

1954 *Watershed Protection and Flood Prevention Act of 1954* authorized inclusion of soil conservation districts in cooperative forestry program.

1958 Congress authorized Forest Service to give unneeded fire lookout towers and other structures, along with connecting land, to state and local governments provided the facility is located outside national forests.

1959 Forest Service built first of three regional research laboratories at Macon, GA.

1964 Forest Service began a program of fire training in selected rural areas in 1964 in response to an executive order assigning to the Department of Agriculture the responsibility for suppression of fires in rural areas resulting from enemy attack.

1966 *National Fire Coordination Study,* prepared by the Forest Service under contract with the Office of Civil Defense, recommended use of local fire services as the major tool of nuclear fire suppression and training for local forces.

1971 President Nixon pointed up lack of adequate fire protection in his message accompanying the *Report on Government Services to Rural America.*

1972 Sikes' *Cooperative Forestry Act* extended cooperative forest management and assistance programs to urban communities and open spaces and doubled authorization for cooperative forest fire prevention under *Clarke-McNary Act.*

ADOPTION AND MODIFICATION OF RURAL COMMUNITY PROGRAM

1972 Dole proposal for rural community fire protection included by Senate Agriculture and Forestry Committee in "Rural Development Act."

1972 *Rural Development Act* became law, established Rural Community Fire Protection Program.

1973 Nixon Administration announced intention not to fund Rural Community Fire Protection Program.

1973 Dole proposal to reauthorize Rural Community Fire Protection Program adopted as part of *Agriculture and Consumer Protection Act.*

1973 Huddleston amendment to provide assistance to volunteer fire departments adopted as part of the *Agriculture and Consumer Protection Act.*

1978 *Cooperative Forestry Assistance Act of 1978* repealed Title IV of *Rural Development Act,* replaced it with a consolidated cooperative forestry program, and established special Rural Fire Disaster Fund in the Treasury.

1978 President Carter's FY 1979 Budget requested no funds for Rural Community Fire Protection Program (still administered separately).

1979 President Carter's FY 1980 Budget requested no funds for Rural Community Fire Protection Program.

Title IV provided technical assistance and a small grant-in-aid program. Project grants up to 50% were made available to states for planning, organization, and training of local fire fighting units, purchase of equipment, and other projects to improve local fire service activities. Nevertheless appropriations for the program have amounted to just $3.5 million annually, making the program a minor one in the federal grants picture.

FORESTRY AND OTHER POLICY INFLUENCES

The genesis of the Rural Community Fire Protection Program is bound up in the forestry stream of federal policy. In fact forestry concerns dominated the evolution of the program until immediately before passage, when it rode to enactment on the back of rural development policy. Federal civil defense efforts gave it a boost from time to time, and to a lesser degree other agricultural policies contributed to its advancement. Withal, the program arose essentially from the efforts of the Forest Service and the state foresters to protect the nation's forests. Key developments affecting the evolution of the fire program are set out in *Figure 5.*

The Forest Service and the state foresters and their organization, the National Association of State Foresters, were the major actors in the forestry policy stream as far as rural community fire protection is concerned. Harold Gallagher, state forester of Kansas, probably deserves special mention because of his efforts to interest Sen. Robert Dole (R-KS) in introducing the fire provision, but others were equally active.

Although the heritage of the Rural Community Fire Protection Program lies with federal forestry policy, defense policy (especially civil defense) spurred its establishment by interacting with forestry from time to time. The defense contribution was not important until the years following World War II. The fire destruction in Germany and Japan during the war had focused the attention of governmental leaders on the problems of protecting the civilian population in the event of enemy attack. The Forest Service, with its wide network of cooperating state and local agencies, was an expedient means for improving civil defense capability in rural areas. Consequently the civil defense and forestry streams merged occasionally to promote civil defense efforts to shield the rural population from fire.

No individual, other than President John F. Kennedy, stands out as having influenced the defense stream. The federal Civil Defense agency was the primary stimulator.

To a lesser degree than civil defense policy, several other federal policy streams intersected with forestry from time to time to advance rural fire policy to its present state. Federal science developments, especially those actions by the National Academy of Sciences—National Research Council (NAS-NRC) Committee on Fire Research and the Federal Council on Science and Technology, influenced fire protection policy. More important were the agricultural policies involving soil and water conservation and rural development. From the outset there was overlap between the forestry programs and those aimed at protecting other agricultural resources. Often the growth of one carried along expansion of the others. On the other hand the fire programs had little connection with the rural development policies until those promoting community fire protection seized on the *Rural Development Act of 1972* as a convenient vehicle for their program to ride to passage.

Prominent in the rural development stream as it affected fire protection were Senators Henry Bellmon (R-OK), Dole, Hubert H. Humphrey (D-MN), Charles McC. Mathias (R-MD), and Joseph Montoya (D-NM). In addition John A. Baker, consultant to the Senate Agriculture and Forestry Committee, played a leading role. In the House, Representatives James T. Broyhill (R-NC), John J. Flynt, Jr., (D-GA), and Robert L.F. Sikes (D-FL) were the chief promoters.

FORESTS AND FIRES

Federal forestry policy grew out of national land policy, traditionally based on the assumption that federal ownership of a vast public domain was temporary. Even 19th

Century land grants to states were regarded as a passthrough to private ownership. Since for some time no need was perceived for the federal government to keep more than a minimum acreage, this policy left the disposition of forested lands in the hands of private owners.[3] Through homesteading laws and gifts to states, railroads, and other institutions, the largest share of the forest lands of the country passed from federal ownership before 1900. Early state policy generally followed that of the national government in disposing of forest lands to private owners, especially railroads.

In the final quarter of the last century, attitudes toward forest lands altered as the public became aware of the need for conservation, recognizing the value of forests to flood control and for recreation purposes. The organization of the American Forestry Association (AFA) in 1875 was followed by the establishment of a large number of state forestry boards and other public and private conservation groups. These organizations stimulated public awareness of the need for forest protection and management.

Early Awareness

Much of the early concern and agitation over the conditions of American forests came from scientists, particularly those belonging to the AFA, the National Academy of Sciences, and the American Association for the Advancement of Science. Memberships in the organizations often were overlapping.

The efforts of Franklin B. Hough deserve special mention in the early development of federal forestry policy. Hough, a meteorologist, botanist, and physician, became concerned about the depletion of forests when his statistical work on forest products in 1855 and 1865 revealed a falling off of timber activities in some areas of the country and increases in others—indications that new fields had been opened. After several years of interest, Hough sought to attract government attention to the problem. As an opening move he read a paper at the annual meeting of the American Association for the Advancement of Science, entitled: "On the Duty of Governments in the Preservation of Forests." His paper urged that Congress and the state legislatures act to protect forests. His arguments, practical in nature, were based on the economic value of timber and the need for it in manufacturing, railroad construction, the arts, and "the affairs of common life." His appeal was met with enthusiasm and the Association adopted a resolution calling for the appointment of a committee "to memorialize Congress and the several state legislatures upon the importance of promoting the cultivation of timber and the preservation of forests, and to recommend proper legislation for securing these objects." Hough, of course, was appointed to the committee.[4]

The committee drafted a memorial along the same lines as Hough's paper and secured the endorsement of the U.S. Secretary of Interior and Commissioner of Agriculture. Along with proposed legislation, the paper went to President Grant, who submitted it to the Congress. The legislative proposal met with little success in the 43rd and 44th Congresses, but finally in 1866, through the efforts of Rep. Mark Dunnell of Minnesota, a provision was attached to the 1877 appropriations bill providing $2,000 for the appointment of a forestry agent to "prosecute investigations and inquiries" on the conditions of American forests.[5]

Hough was appointed to the job and began an investigation of the country's forest resources. Thus the federal government's involvement in forestry management began with the naming of a special agent to the U.S. Commissioner of Agriculture in 1876. The Division of Forestry was created in 1881 and received statutory status in 1886.

Hough's *Report on Forestry,* issued in 1878, urged that states adopt laws on forest fire prevention similar to those in effect in Europe, but the recommendation had little effect.[6] Hough's concept of government involvement in forestry management was limited. In his *History of the U.S. Forest Products Laboratory (1910-1963),* Charles A. Nelson notes:

> Hough did not think that government should enter into the field of tree planting or caring for forest lands. These were the activities of European

forestry systems, but Hough argued that American conditions were not conducive to this extension of governmental authority. What the federal government should do, as specified in the legislation of 1876, was to set up a "central agency of inquiry" to investigate and report on several vital subjects related to American forest conditions. Information on these subjects should then be "collected, digested and diffused everywhere among our people." From the outset, then, governmental forestry activity involved merely the collecting and disseminating of information on the subject of American forestry.[7]

Creation Of The Federal Reserve

In response to public concerns over recreation, the federal government began reserving federally owned lands for national parks in 1871. Subsequently in 1875 the AFA was organized and began to push for withdrawal of certain forest lands from sale and their reservation in the public domain. Its law committee met with President Benjamin Harrison and advocated an efficient forestry policy. Later following the prompting of Bernhard Fernow, chief of the Division of Forestry, the Association called on Congress to reserve public lands and set up an administrative commission.[9] Congress also began to recognize that reservation of public lands was a means of protecting forests and watersheds, a recognition probably spurred in part by the 1871 Peshtigo fire that killed 1,500 people and burned over a million acres. Through an obscure amendment to *The Forest Reserve Law of 1891*,[10] added by a conference committee, it made a radical change in public policy, perhaps unknowingly. This provision allowed the President to set aside public lands wholly or in part covered with timber as public reservations, although it made no arrangements for forest management. It is doubtful that Congress realized the far-reaching implications of this grant of authority. The provision appears to have been added as a result of the last minute intervention of Secretary of the Interior John W. Noble, responding to a persuasive presentation by the AFA Law Committee.[11]

Presidents took advantage of the opportunity. President Harrison placed 13 million acres in the reserve in 1893, and President Cleveland added 4.5 million in Oregon in the same year, but refused to set aside additional acreage until provisions were made for its management. As a result of the grant of Presidential authority, approximately 20% of the remaining federally owned forest land soon was included in the national forest system, practically all in the far west. The states still owned a large acreage, but generally this was being passed to private ownership at a rapid rate. A few states had made modest beginnings toward permanent state ownership of forest lands, and municipalities and minor political subdivisions held some acreage for the protection of the public water supply.[12]

With the acknowledgment of a need to keep certain federally owned land in the public domain came the recognition of the need for protection and management of the reserves. In response to President Cleveland's concern over lack of management of federal forest land and pressure from the AFA, the Secretary of the Interior asked the National Academy of Sciences to appoint a national forest commission to study the problem. This body of experts, drawn almost entirely from the National Academy of Sciences with the addition of Gifford Pinchot,[13] recommended among other things the creation of 13 forest reserves covering 21 million acres and the establishment of an administrative agency whose duties partly would be to develop a fire protection program. Encouraged by the recommendation Cleveland then set aside the 21 million acres, precipitating a furor in the west where lumber and mining interests protested that large withdrawal would destroy their businesses.

Federal Forest Management Begins

In 1980 the military director of Yellowstone National Park made the U.S. Army the first federal agency to establish a fire control program.[15] Nevertheless actions with longer range consequences for forest fire protection arose from concern over management of the

federal reserve.

The National Forest Commission report and the Cleveland land reservations created a climate favorable for adoption of the *Forest Management Act of 1897.*[16] An unusually destructive fire in 1894 around Hinkley, MN, probably added to the pressure for this legislation as well. Although the act was a compromise between the strong conservationists and the western interests, this legislation gave the Secretary of the Interior regulatory power over land use on federal lands and directed that protection of the land must be an important factor in administration.

Responsibility for administering the reserves was lodged in the General Land Office, an agency unquestionably unqualified for the duty because it had no foresters and its primary concern was the disposition of the federal domain. The federal foresters—"the whole two of them"—were in the Department of Agriculture.[17] That Department's Bureau of Forestry assumed responsibility for administering the 85.6 million acres of forest reserves in 1905[18] under the leadership of Gifford Pinchot who later changed the Bureau's name to the Forest Service. President Theodore Roosevelt aggressively continued the policy of adding to the reserve, which reached 194.5 million by the end of his term. Under Roosevelt and Pinchot the federal government began active management of the reserves. It was just a step, then to acknowledging that all forest lands were interrelated and that, to protect federal forests, state and private forests also must be protected. Fires did not recognize ownership boundaries. Consequently federal assistance to ensure the safety of state-owned forests was in order.

Federal Assistance Initiated

Following the Great Idaho Fire of 1910, Congressional concern for an adequate timber supply, erosion and flood control, and scenic and recreational preservation resulted in the enactment of the *Weeks Forest Purchase Act of 1911.*[19] This law authorized federal acquisition of lands and established cooperative arrangements with the states for protecting forests from fire. The purchasing authority conferred by the act enabled the extension of the national forest system to the east, thus creating a nationwide basis for cooperation. During Congressional deliberations, nonetheless, scant attention was paid to Section 2 of the law authorizing funds for federal-state cooperation in forest protection.[20]

THE WEEKS ACT

The *Weeks Act* marked the first federal assistance to states for fire protection activities and inaugurated the first matching funds requirement in the grants-in-aid system.[21] Congress appropriated $200,000 for the Secretary of Agriculture to cooperate with states in providing fire protection for the nonfederal watersheds of navigable streams. This protection applied to both state and privately owned lands. Only states with laws establishing a system of forest fire protection were eligible for the grants. In addition the Congress gave advance consent to interstate compacts for conserving forests and water supply.

The program grew incrementally as new needs were recognized and the cooperative efforts of the Forest Service and the state foresters matured. During 1911 cooperative agreements were negotiated with 11 states. Both the number of states involved and the amount of appropriations increased steadily. By FY 1925 a total of 29 states were included under the program. Combined federal, state, and private expenditures under the Weeks law increased nearly tenfold from 1911 to 1925 and there was a similar growth in the area of forest land under protection. *Figure 6* illustrates the growth in acres under cooperative fire protection between 1911-31.

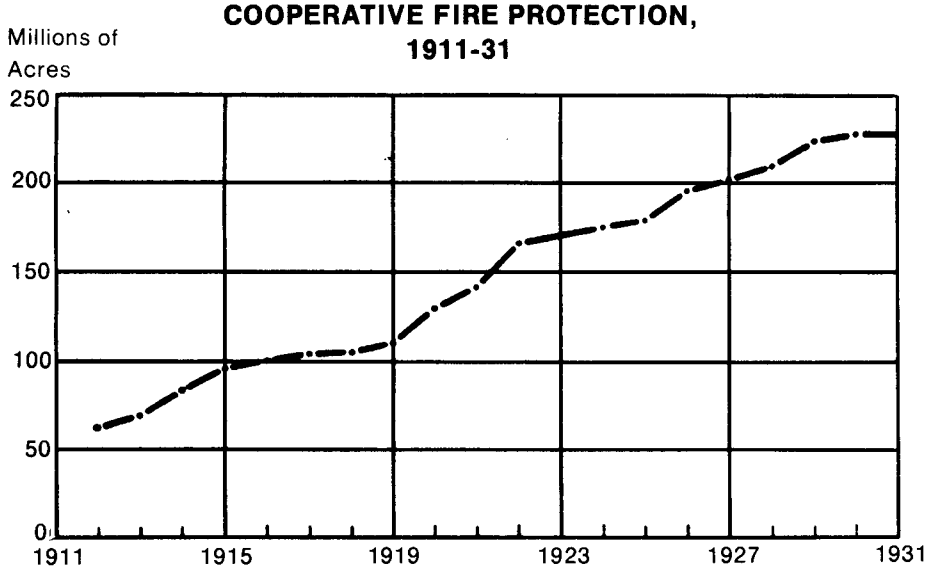
During calendar year 1911 a total of $36,692 federal, $165,975 state, and approximately $54,590 private money was spent for the protection of approximately 60,799,000 acres of forested watersheds. By FY 1925, the last year before the Clarke-McNary law became operative, corresponding amounts were $397,651 federal and $1,844,192 state and private.[22]

THE CLARKE-McNARY ACT

In 1924 Congress strengthened this federal-state alliance with the passage of *The Clarke-*

Figure 6

FOREST AREA IN STATE AND PRIVATE OWNERSHIP UNDER COOPERATIVE FIRE PROTECTION, 1911-31



SOURCE: A.B. Hastings, "Federal Financial and Other District Aid to States," *A National Plan for American Forestry*, Vol. II, Senate Document No. 12, 73rd Congress, 1st Sess., Washington, DC, U.S. Government Printing Office, 1933, p. 1059.

McNary Act,[23] which superseded *The Weeks Act* with respect to federal-state cooperation. It removed the provision that limited cooperative protection to forested watersheds of navigable streams and extended federal assistance to private forestry. It also provided for cooperation between federal and state officials in developing a forest fire prevention and suppression system for each forest region to protect the timbered and cut-over lands. Funds, not to exceed a limit of $2.5 million annually, were authorized for assistance in states whose practices encouraged forest and water resources protection. Within the limits of the authorization, each state could receive up to the amount spent by the state and private individuals for forest fire protection. An initial appropriation of $600,000 was made for FY 1926. Within five years the amount had grown to $1.7 million.[24]

From the outset the fire protection programs authorized under the Weeks and Clark-McNary laws operated on the principle that each state would be responsible for the supervision and implementation of the program within its boundaries. Because state laws govern the handling of fire and of access to state and private lands, Congress anticipated that most of the burden would rest with the states. All states negotiated agreements for participation in the program. Under these the Forest Service coordinated and provided financial and technical assistance, including training of personnel and development of equipment. Each state forester prepared a plan in collaboration with the Forest Service. The latter had to approve both the annual budgets and the expenditure reports on which federal reimbursement was based.[25]

THE THREE DECADES: 1930-59

Compared to earlier years the period beginning with the Great Depression and continuing through the 1950s was relatively uneventful as far as increasing federal involvement in rural fire protection was concerned. Nevertheless a few developments pushed the national commitment along one more step or contributed to a climate receptive to an expanded federal role. The first of these was the Copeland Report, a landmark document as far as American forestry is concerned.

The Copeland Report

The issuance of *The National Plan for*

American Forestry,[26] better known as the Copeland Report, was the next major event affecting federal involvement in local fire protection. It was prepared in 1932-33 in compliance with S.R. 175[27] introduced by Sen. Royal S. Copeland of New York. The resolution stressed the threat of early exhaustion of the country's timber supplies, particularly the softwoods in the east; the existence of large areas of land suitable only for growing timber; the benefits of wise utilization of such lands as public domain; and the desirability of developing immediately a coordinated federal and state program for their utilization. The resolution requested the Secretary of Agriculture to advise the Senate whether the federal government should undertake to aid the states in restricting to forestation purposes those areas of the country suitable only for forests. The Secretary responded with a two-volume report, prepared by the Forest Service, containing a long list of recommendations, including the doubling of the amount of federally owned forest lands. This particular proposal garnered little support, coming as it did at the depth of the Great Depression. In addition to the prohibitive cost, it was not a politically feasible recommendation.

The Copeland Report gave substantial attention to fire protection. It stated:

> In spite of a rapid increase in human use, the size of the area burned in the average year has been reduced from about 1,350,000 acres to about 500,000 acres between 1910-15 and 1920-25. The actual ratio of allowable burn has been brought to 1.07-1. On all but 30 of the 95 million acres requiring protection a satisfactory ratio has been reached. An important factor in this improvement has been the development of detailed plans for fire protection.[28]

Despite this favorable assessment of the forest fire problem, the report recommended doubling the funds for forest fire cooperation under *The Clarke-McNary Act,*[29] a remarkable recommendation in a depression period. Because organized fire protection was being provided for only about 54% of the state and private lands, it was estimated that the annual cost of adequate fire protection for such lands eventually would amount to $20 million a year. Federal aid was urged for the expansion of these activities.[30] The return of 25% of national forest receipts to local government was suggested as well.

The report supported the case for increased federal assistance with the following summary of results of past aid usage:

1. Federal cooperation has been an important factor in the establishment of 12 state forestry departments. In 17 states the protection of private forest land was commenced as a state activity as the direct result of federal cooperation.
2. Under federal cooperation the area of state and private forest land receiving organized protection increased from 95 million acres in 1915 to 228 million acres in 1931. Should this same rate of increase be continued, the entire area needing protection would be covered in about 20 years. . . .
3. Forty-six percent of the state and private forest land classed as in need of protection is still unprotected. This area lies for the most part in the south and central regions, where federal aid has meant the most in getting protection started.
4. On protected areas forest fires have annually burned over 1.7% of the area protected, whereas fires have covered about 19.8% of unprotected areas. This proves that the protection work undertaken has caused a sharp reduction in fire damage.
5. Forest fire protection in the New England, middle Atlantic, lake, north Rocky Mountain, south Rocky Mountain, and Pacific coast regions is well established. . . . In parts of the north Rocky Mountain and Pacific coast regions, however, conditions are developing that may become critical as a result of the tendency of abandonment of protection by owners interested primarily in the merchantable timber now on the land. The need here for a larger

sharing in protection costs by the federal government and the states is clearly indicated. . . .

6. In the administration of federal aid the Forest Service has served as a clearinghouse for information and for educational material to the advantage of the state projects. The merit system in the employment of men has been promoted, technical standards among personnel have been raised, and methods of protection have been measurably improved.[31]

Inclusion of fire-related recommendations in what has been called the "landmark report on forest management" underscored the importance of forest fire protection and produced a climate more amenable to federal action. The most immediate result was the enactment of *The Cooperative Farm Forestry Act*[32] in 1937 which, among other things, provided technical services to states for forest fire prevention.

Conservation Activity

The decades of the 1930s and 1940s produced an expansion of forest land and conservation management as well as a struggle between the Forest Service and the Department of Interior over forest management responsibility. Part of the conservation activity was a result of the Copeland Report's recommendations; perhaps even more important were the New Deal efforts to combat the Depression. The Civilian Conservation Corps—aimed at providing employment—put 500,000 young men on public lands to fight fires and engage in other conservation measures.[33] Later during the 1950s cooperative forestry was expanded when the Congress enacted *The Watershed Protection and Flood Prevention Act of 1954.*[34] This legislation authorized cooperation with soil conservation districts, placing them on a basis similar to general local governments.

Civil Defense Inputs

World War II and its aftermath brought civil defense influences to bear on federal assistance to states for forest fire protection. In 1944 Congress authorized the Forest Service to spend up to $1 million a year for cooperative fire protection without matching funds (an authorization later rescinded). It also permitted the Forest Service to sell and distribute supplies, equipment, and materials to other federal agencies and to state and local governments that cooperate with the Forest Service in fire control.[35] This authorization was expanded in 1958 to include gifts of unneeded fire lookout towers and other structures, along with connecting lands, if the facility were located outside national forests. A 1949 law, *The Federal Property and Administrative Services Act,* permitted gifts of other federal surplus personal property to state and local governments, some of which went to the fire services.

The Federal Civil Defense Act of 1950[36] required federal leadership in "protecting life and property in the United States from attack." This act was the basis of later orders extending federal activities for fire control in rural areas in defense emergency situations.

THE DECADE OF THE 1960s: FEDERAL TRAINING BEGINS

Under the influence of civil defense needs, highlighted by the 1962 Cuban Missile Crisis, the Forest Service began a program of fire training in selected rural areas in 1964 in order to build fire capability in areas that lacked protection. By executive order President Kennedy had assigned to the Secretary of Agriculture the responsibility for suppression of fires in rural areas resulting from enemy attack.[37] The order directed that all program activities be coordinated with national civil defense plans and the operations of the Department of Defense (DOD). In cooperation with other federal, state, and local fire protection agencies, the Forest Service was to direct, inform, organize, and train rural residents and fire units for emergency fire activities. The Office of Civil Defense (OCD) financed the training.

The next year OCD contracted with the Forest Service for a national study on fire protection needs. The resulting *National Fire Coordination Study,* published in 1966, sug-

gested that local fire services be used as the major tool for suppressing nuclear fire. It said:

> Organized fire services in the U.S. are effectively protecting urban areas and all but about 500 million acres of rural land. Personnel of these services are competent firemen, equipped and trained to act independently and effectively. Given guidance, support, and training in nuclear aspects of fire, they can provide fire defense leadership to the public and take preparedness, selective fire control, and related rescue actions that will reduce significantly the nuclear fire threat. The foundation of our nation's strength for fire defense in nuclear war is the organized fire service. These firemen, and the populace, must face the fire threat independently until it is possible to arrange aid to stricken communities. Understanding by both public officials and citizenry of the size and complexity of the nuclear fire problem is the first step toward reducing the fire threat. Such understanding is not widespread in the U.S. today.[38]

The study advocated a number of other measures including training for local fire services.

In 1967 Senators Mark Hatfield (R-OR) and Milton R. Young (R-ND) introduced bills to authorize the Secretary of Agriculture to cooperate with states in preventing and suppressing structural fires and wildfires in rural areas. Apparently the bill was essentially the same as the one proposed by Agriculture and then undergoing the bureau of the Budget review process—a review it did not survive.

The Late 1960s

Defense concerns gave way to other influences in growth of Forest Service assistance to rural communities in the late 1960s. The federal science stream, in particular, affected the environment at this time. It had interacted with defense policy before in regard to fire protection, but its influence on Forest Service activity did not appear to be substantial. Both streams had been involved in the Federal Council on Science and Technology's efforts to designate the NBS as the lead agency in coordinating federal fire activities in the 50s and 60s, but it is likely that the Forest Service influenced the science stream to a greater extent than it itself was affected. In 1968 nonetheless the science, defense, and consumer streams converged; the result was the passage of *The Fire Research and Safety Act of 1968.*

In addition to authorizing a fire research program in the Department of Commerce, this act provided for the National Commission on Fire Prevention and Control to study the fire problem. This Presidentially appointed Commission was to undertake a comprehensive study to determine the most effective measures for reducing the destructive effects of fire. Because of Congressional delays in funding and Presidential delays in making appointments, the Commission did not actually begin work until July 1971. Its report, *America Burning,* was issued in May 1973. In the meantime Congress already had enacted *The Rural Development Act of 1972* establishing the Rural Community Fire Protection Program. Nevertheless the publicity surrounding the activities of the Commission, as well as the increasing intensity of activities by the fire services and state foresters, stimulated by its hearings, undoubtedly created a climate in which chances for adoption of the rural program were enhanced. The Commission's work precipitated the introduction of hundreds of pieces of fire protection legislation in the early 1970s.

Meanwhile Morrison A. Ennis, former chief of the Mort Lake Fire Department, Brooklyn, CT, read a paper outlining rural fire problems at a National Academy of Sciences symposium on "The Needs of the Fire Services." The paper gained wide circulation among fire services when published in *Fire Engineering* magazine.[39] In calling for federal fire research in a rural context, Ennis said:

> The first thing we must do is to convince everyone from firemen right through the general public, farmers, plant owners, insurance people, and legislators that we have a serious prob-

> lem that is worsening as time goes on. . . . It will take the combined efforts of all concerned to work through legislators to get the necessary laws on the books. By this I mean laws that will regulate the fire safety of agricultural equipment, fire-safe design of buildings and minimum standards for industrial installations. These will probably be more effective if developed on the state level. However, they should be based on research conducted on a national level.[40]

Ennis also called for better training for rural fire services.

RURAL DEVELOPMENT STREAM

A rural development stream of federal policy was building toward major legislation at this time. The concern for poverty in rural areas, highlighted during the Kennedy campaign of 1960, continued into the 1970s along with heightened emphasis on problems of rural areas in general. This renewed attention was partially the result of the designation of Hubert H. Humphrey as chairman of the Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry. When Humphrey returned to the Senate after serving as Vice President, he needed a visable post from which to campaign. The subcommittee was created for him. It held hearings on rural need throughout the country over a two-year period. As a former Vice President and a vocal and active Senator, Humphrey generated increased public attention to rural needs.

At the outset there was no particular demand for rural development aid, at least no organized demand. The subcommittee set out to build a constituency. In addition to holding hearings in various parts of the country, in which fire was cited as a principal problem from time to time,[41] the subcommittee published papers on rural development. One of these dealt with fire protection, along with other topics. John A. Baker's paper, "What is Rural Development?," recommended expansion of the Forest Service's civil defense responsibility to include aid for rural communities in establishing and operating adequate fire protection and fire fighting services. The paper cited high insurance rates as one of the reasons for improving rural fire services.[42] Baker's views were especially important because he was a consultant to the committee and in a position to discuss needs with its members.

Meanwhile, in response to a requirement of *The Agricultural Act of 1970*[43] for an annual Presidential report on services to rural America, President Nixon pointed out the lack of adequate rural fire protection in the first report. The President said:

> People want jobs and an adequate income to support an acceptable standard of living. But they also require other things including a good education for their children; accessible, quality medical care; adequate housing at a price they can afford; and other community services such as police and fire protection, clean water supply, sewage disposal, transportation facilities, and recreational and cultural opportunities. In many rural areas of the United States, these services and facilities are inadequate; in some places virtually nonexistent in whole or in part. In sparsely settled areas and those declining in population, the shrinking tax base makes the delivery of such services increasingly costly and inefficient.[44]

Despite these actions rural fire protection was not an important part of the rural development program, which was aimed principally at farm credit, water and sewer facilities, housing, and health. In fact it rarely was mentioned. It was not a component of the rural renewal hearings before a Senate Subcommittee on Small Business, held on May 23 and June 27, 1968, nor was there any specific mention of fire in the report of the President's Task Force on Rural Development, *A New Life for the Country,* issued in March 1970. The report did deal with a better living environment.

Subsequent Presidential messages and reports paid little attention to the subject. The *Second Annual Report on Government Services to Rural America* made no specific

mention of fire needs. The third report mentioned the disparities among rural communities in regard to fire protection, but did not include a policy recommendation on it. Much of President Nixon's attention focused on rural credit and rural revenue sharing. Both were included in his Rural Development Message of March 10, 1971, although fire was not mentioned.[45]

Although aid for rural fire services was included in *The Rural Development Act*, it is not an important part of that legislation; in fact, it appears something of a misfit in the law, which deals primarily with agricultural credit. The importance of the rural development stream of federal policy is not that it developed a demand for fire protection, although it did to a limited extent, but that the legislation came to fruition at the same time that other forces were pushing for a rural fire program.

THE ENVIRONMENT FOR ACTION

In analyzing the political environment that existed when the Rural Community Fire Protection Program was enacted in 1972, it is difficult to perceive why it was much more favorable at this particular time than at any other. Public opinion polls showed no special concern about fire protection, even in rural areas. Fire was mentioned as one among many problems in the rural development hearings in 1971 and 1972, but it did not emerge as a major issue. Considerably more attention was given to the availability of credit, water and sewerage facilities, emergency health services, and housing. Although the President had mentioned fire protection a time or so, his guiding philosophy was that the federal government should attack rural problems with a special revenue sharing program that would leave discretion with state and local governments in determining which were the most pressing needs.

Several things happened to bring attention to fire problems nonetheless—at least among the more "attentive public." In 1970 and again in 1971, forest fire losses were at one of the highest levels in recent years. In national forests alone fire losses amounted to more than $700 million. During a one-month period in southern California, 1,260 fires burned more than 600,000 acres, killed 14 people, destroyed more than 900 houses, and left the area vunerable to erosion, floods, and mudslides. That same year a fire in Laguna Hills in San Diego County, CA, burned 225,000 acres and caused more than $100 million in damages to buildings, crops, utilities, bridges, and other facilities.[46] The Secretary of Agriculture stressed the high losses in his 1970 report as he emphasized the need for additional protection. He indicated that some 520.5 million acres of the 566.2 million acres needing protection were then under the Department's forest fire protection programs.[47]

The concern for safety engendered by the consumer protection movement, reaching its apex at this time, also spilled over into concern for fire safety. Concurrently the work of the National Commission on Fire Prevention and Control stimulated interest in the problem, although the work of the Commission was not a major force in the rural program.

This also was an era when the move for federal assistance to local communities was at its height. Congress had in 1965 enacted a total of 109 pieces of grants-in-aid legislation in one session of Congress;[48] consequently, the resistance to federal action was lowered. The pragmatic, problem-solving approach adopted by the Congress easily was extended to rural fire protection. Many members of Congress were on the lookout for new programs to sponsor.

PRELIMINARY MOVES TOWARD ACTION

The push for rural fire protection legislation came primarily from the Forest Service and the state foresters, who worked with rural community fire departments and were in a position to appreciate their needs. Senators Humphrey and Dole led the move in the Senate, where the program was added to *The Rural Development Act*, and Senator Mathias also promoted federal assistance.

Forest Service Concerns

As the federal agency responsible for the

cooperative fire programs, the Forest Service was in a good position to perceive the needs in rural areas. In preparation of the *National Fire Coordination Study* in 1966, the Service had examined fire mutual aid arrangements in California, Oregon, Michigan, Massachusetts, and Washington, DC. It had an opportunity to observe the lack of capacity of many fire units to deal with major fires and to consider the problems of many areas having no organized fire protection at all. It appeared that federal assistance would be required to enable such areas to meet their needs. Interest in aiding rural areas evolved over the years following this study.[49] Internally and in collaboration with state foresters, the Forest Service promoted an increased federal role and it helped draft legislation to expand national assistance.[50]

The Role Of The State Foresters

As the connecting link between the Forest Service and rural fire departments in the federal assistance programs already underway, state foresters became the strongest advocates for expansion of federal aid. They saw a need for improvement of the small rural fire departments that cooperated with the Forest Service in its fire protection work. In the Rocky Mountain states, these organizations often were the initial attack units when fires broke out. Most of the departments were strictly volunteer, not funded by governmental units. According to Ralph Winkworth, immediate past president of the National Association of State Foresters, who was a member of its legislative committee at the time the rural program was under consideration, the state foresters "made an effort to get them on their feet by pushing legislation that might provide equipment and radio facilities." The state foresters had provided training for a long time, but the rural departments needed equipment.[51] Consequently the foresters pushed for an expansion of the federal assistance programs operated through the Forest Service to provide help to local fire departments in small communities. According to Bill Taggart of Sen. Dole's staff, Harold Gallagher, state forester in Kansas, asked Dole to sponsor legislation providing aid. "It was a constituent request."[52] Nevertheless the state foresters "were not instrumental in getting the program into *The Rural Development Act*" and "did not know at the time how it came to be included," Winkworth said.[53] They are credited by observers at the time with being the most active group in support of expanding the federal role. The fire services made some efforts in behalf of assistance, but their action came after the move for the program was already underway.

Moves In The Congress

The nationwide hearings used by Humphrey's Rural Development Subcommittee to build a constituency for rural development increased recognition of the fire problem and provided an opportunity for state foresters and others to promote their aims of additional federal aid. Although there was no ground swell of support for action in this area, members of the House and Senate were the targets of pressure by state foresters and others to take some action on the problem. This is not to say that the major interest in rural fire protection was the result of these hearings. It had grown over the years in recognition of forest preservation and defense needs apparent to those active in forest management and civil defense. The rural development hearings simply provided an opportunity and an occasion for action.

Senators Dole, Humphrey, Mathias, and Montoya each introduced legislation that would provide for an increased federal role. Dole's bill, S. 69, introduced on January 25, 1971, called for a three-year pilot program of financial assistance for fire prevention systems in nonmetropolitan areas with populations of less than 5,000. Humphrey's "Rural Community Fire Protection Act," S. 3278, submitted the next year, would have provided financial and technical assistance for communities with populations up to 2,500. The funds could be used for organizing, training, and equipping local forces to deal with wildfires. The Mathias bill, S. 3477, one of six fire safety bills he introduced at the same time, would have made federal funds available for equipment. The Montoya proposal,

S. 963—also introduced in the House by Flynt, a major advocate of fire protection legislation—would have established a cooperative system to protect woodlands, orchards, rangeland, pastures, crops, and farmsteads in rural areas with the federal government bearing 75% of the cost.

In addition to the Flynt bill, other measures in the House included H.R. 537, introduced by Broyhill of North Carolina in 1972. It proposed to amend *The Farmer's Home Administration Act of 1961* to authorize loans to rural community centers for fire facilities in rural areas. Another related bill, introduced by Sikes of Florida in 1971, was maneuvered successfully through Congress three months ahead of *The Rural Development Act.*

Sikes' Cooperative Forestry Bill Passes

In April 1972, Congress passed H.R. 8817, introduced by Rep. Sikes. This legislation doubled the authorization for cooperative forest fire prevention under *The Clarke-McNary Act* and amended *The Cooperative Forestry Management Act* to extend federal management and protective assistance to urban communities and open spaces as well as to all wood processors (rather than only to processors of primary products). The committee report stated:

> The federal government has cooperative agreements with all 50 states for fighting forest fires. The cost of fire-fighting activities on state and private forest lands has been borne for the most part by the states, with the federal government providing little more than token assistance. Although authorized to pay up to 50% of the costs, the federal government in fiscal year 1970 actually paid only 14.5%.... If the citizens of the United States are to have the timber that will be needed in the years ahead, it will be necessary for the federal government to give more cooperation to the states to see that the forests (both public and private) are protected from fires, that young trees are planted, and that forests are tended and nurtured.[54]

The Sikes bill was opposed by the Nixon Administration, and consequently by the Department of Agriculture, because its categorical grant financial arrangement was inconsistent with the President's program of special revenue sharing for rural and urban community development. (The initial special revenue sharing would have combined the funding of a number of federal programs in operation and increased funding for rural development by $259 million.)[55] Nevertheless it passed the Congress and became law on May 5, 1972,[56] adding another increment to the chain of legislation leading to the Rural Community Fire Protection Program, and leaving small towns and nonforested areas as almost the only areas excluded from the cooperative federal-state program.

THE ROUTE THROUGH CONGRESS

Extensive hearings on rural development were held during 1971 and 1972 by the House Committee on Agriculture as well as by its counterpart in the Senate. No particular piece of legislation was involved. The aim was to determine what people in rural areas perceived as their problems and what solutions they would propose. According to the House Committee Report, few solutions were advanced.[57] No members of the fire service organizations testified at the hearings and although rural fire needs were referred to from time to time, they received no special emphasis. Nevertheless it was on the back of *The Rural Development Act of 1972* that the Rural Community Fire Program rode to enactment.

On September 23 and 29, 1971, Rep. W.R. Poague (D-TX), chairman of the House Committee on Agriculture, and others introduced H.R. 10867, "The Rural Development Act," and an identical bill, H.R. 10973, respectively. A committee print on H.R. 10867 was considered and on February 3, 1972, Poague and 22 Committee members introduced a clean bill (H.R. 12931) that was reported favorably to the House on February 9. The committee rollcall vote was 32-4 in favor of the bill.[58]

A minority view was submitted by Representatives Page Belcher (R-OK), Charles M.

Teague (R-CA), and George M. Goodling (R-PA). The three Republicans declared:

> H.R. 12931 proposes to start a number of new federal grant programs at a time when the federal government is in no position to grant anything but a share of a $39 billion deficit.[59]

It should be kept in mind that the proposal for the Rural Community Fire Protection Program was not in the legislation at this time.

While H.R. 12931 as reported did not contain the rural fire protection provision later enacted, it did include a section authorizing the Secretary of Agriculture to share the cost of water storage for fire protection up to 50% of the cost. The Administration had opposed this provision before the committee. Its statement to the committee raised the federal role issue:

> The Administration opposes the amendment which would authorize assistance in developing water storage and other facilities for improved rural fire protection. This is a local responsibility which can best be handled at the local level and federal cost sharing assistance is not justified.[60]

After extensive discussion, none of which emphasized fire protection, the House passed the rural development proposal on February 16, 1972. It included the section to which the Administration objected.

The Senate Agriculture and Forestry Committee drafted and reported its own version of "The Rural Development Act," S. 3462. The provision relating to the Rural Community Fire Protection Program was added during committee deliberation. At the same time it was considering the rural development bill, the committee had before it Dole's S. 69 and Humphrey's S. 3278 providing for the fire program. The committee minutes show that when the committee was considering S. 3462, Sen. Bellmon suggested that provision be made for "a cooperative program for control of fires in rural areas," and that after some discussion, the suggestion was approved.[61] Neither Dole nor Humphrey was present at the time. Following the action by Bellmon, John A. Baker, consultant to the committee, noted that the level of federal assistance for the Rural Community Fire Protection Program had not been determined. He reported that Dole's bill provided that such assistance would not exceed 50% while Humphrey's measure set a limit of 80%. Following further discussion, Sen. Jack Miller (R-IA) moved the 50% limitation and it was adopted. Of those present only Sen. Chiles (D-FL) voted "nay." The committee also voted to authorize $5 million for each of the first three years of the program.[62] At least one committee staff member credits Baker with getting Title IV included in the act.[63]

"The Rural Development Act" was reported favorably by the committee and passed the Senate on April 20 by a voice vote. During consideration on the floor, Byrd (D-WV) offered an amendment to add $2 million in annual appropriations for the fire program for assistance in areas where per capita income was below the national average for rural areas. The Senate adopted the amendment by voice vote.[64] Little opposition was expressed to the amendment and discussion of it constituted the major attention given to the fire program during the Senate debate. The Senate passed an amended version of S. 3462 on April 20 by voice vote.

When the House bill reached the Senate, that body struck all after the enacting clause and substituted the provisions of S. 3462. A conference was held on the House bill.

On provisions relating to fire protection, the conferees:

1) adopted the House version of an amendment to section 306 of *The Farmers Home Administration Act* to authorize loans for "essential community facilities," stipulating that "essential community facilities" means that assistance would be available to nonprofit, public, and quasi-public agencies and that facilities would include, but not necessarily be limited to, such items as community centers, firehouses, industrial parks, and fire and rescue equipment, including ambulances;

2) defined rural areas to include towns of 10,000; and

3) adopted the Senate provision for rural community fire protection with modifications to conform to the definition of rural areas as including towns of 10,000 rather than the 5,500 in the Senate version, raised the annual authorization to $7 million, and deleted the Byrd amendment for additional funds for low income areas.[65]

The conference substitute authorized the appropriation of $7 million for each of the fiscal years 1973-75, to enable the U.S. Secretary of Agriculture to provide financial, technical, and other assistance through appropriate state officials to local public and private nonprofit organizations for cooperative efforts in organizing, training, and equipping local forces for wildfire prevention, suppression, and control in rural areas and rural communities of 10,000 or less outside of standard metropolitan statistical areas. Fiscal assistance could not exceed 50% of budgeted or actual expenditure, whichever was less. The conference report stated that the conferees expected the Secretary, prior to initiating this pilot program, to designate areas of the United States which are particularly vulnerable to the hazards of wildfires. In addition they anticipated that special attention would be given to those areas and communities having inadequate or nonexistent fire protection facilities.

The House adopted the conference substitute by a lopsided vote of 340-36 on July 27. Republicans were divided 136-28 and Democrats 204-8. No southern Democrats voted in opposition to the measure. Since the major portions of the proposal had no bearing on fire protection, the vote can hardly be considered an expression of sentiment on the issue except that much of the opposition to the measure involved opposition to additional federal grant-in-aid programs.

Senate support for the conference report was even more overwhelming. After a half-hour of praising the provisions of *The Rural Development Act,* during which no opposition was expressed, the Senate adopted the conference report on August 17 by a vote of 73-0.[66] The fire protection provisions were mentioned several times, but only in the context of what the act included. They provoked no debate.

President Nixon signed the bill into law on August 30, 1972, saying that he approved of most of the provisions, but regretted that it did not include his rural revenue sharing program. He said:

> The most disconcerting feature of this act is that it does not include one of my most important proposals for rural development, the substitution of the special revenue sharing for categorical grants and, instead, creates a number of new categorical grant programs.[67]

He had not previously taken a position on rural fire protection and at the signing he made no specific reference to the program.

THE PROGRAM AS ENACTED

The Rural Community Fire Protection Program is set out in Title IV of *The Rural Development Act of 1972* (P.L. 92-419). Justification for it is based on community development needs rather than on forestry protection programs. The following reasons for its enactment are included in the law:

> In order to shield human and natural resources, financial investments, and environmental quality from losses due to wildfires in unprotected or poorly protected rural areas there is a need to strengthen and synergize federal, state, and local efforts to establish an adequate protection capability wherever the lives and property of Americans are endangered by wildfire in rural communities and areas. The Congress hereby finds that inadequate fire protection and the resultant threat of substantial losses of life and property is a significant deterrent to the investment of the labor and capital needed to help revitalize rural America, and that well organized, equipped, and trained fire fighting forces are needed in many rural areas to encourage and safeguard public and private invest-

ments in the improvement and development of areas of rural America where organized protection against losses from wildfire is lacking or inadequate.

The legislation then authorized financial, technical, and other assistance to states; provided for a 50% match; required a report in two years on the contribution of the program; and authorized $7 million in appropriations for each of the program's three years.

The Rural Development Act contains two other provisions relating to rural fire protection. Title I provides loans for "essential community facilities including necessary related equipment" that can be used by local fire departments, and Title III authorizes technical and other assistance, including a share of the costs up to 50%, for "the storage of water in reservoirs, farm ponds, or other impondments, together with necessary water withdrawal appurtenances, for rural fire protection. . . ." (The 50% share was increased to 75% by *The Agricultural Credit Act of 1978.*)[68]

IMPLEMENTATION

The road to implementation for the rural fire protection program was a rocky one as far as finances were concerned. The statutory authorization nearly expired before the program received any funds. In 1973 the Administration announced its intention to request no appropriation for it and no request was included in the 1974 budget.[69] The funding difficulties troubled several groups and their representatives testified before the Senate Rural Development Subcommittee in June 1973 in support of money for the program. Organizations included were the Coalition for Rural Development, the National Association of Conservation Districts, the National Association of State Foresters, along with a representative of the Minnesota State Planning Office.[70] Subsequently the adoption of Sen. Dole's amendment to *The Agriculture and Consumer Protection Act* (P.L. 93-86) reauthorized funds for the program. It changed the authorization from specific years to three consecutive years from the time of initial funding.

These activities may have influenced the Administration's request for, and the Congress's appropriation of, a total of $3.5 million for FY 1975,[71] exactly half of the authorized amount. Funding has remained at the same level ever since, although the Carter Administration requested no funds for FY 1980.[72]

The Secretary of Agriculture delegated administrative authority for the fire program to the chief of the Forest Service. With the assistance of an ad hoc committee of state foresters from the National Association of State Foresters, the Forest Service drafted guidelines for allocation of funds under the act.[73] They are distributed among the states and territories by the following formula:[74]

- 50% of the annual appropriation is based upon crop land acreage as listed in the *Conservation Needs Inventory for 1967* (CNI);[75]
- 20% on the basis of CNI acreage for other non-federal lands not protected under federal programs; and
- 30% on rural populations according to the Census in 1976 including the populations of towns and communities under 10,000 inhabitants.

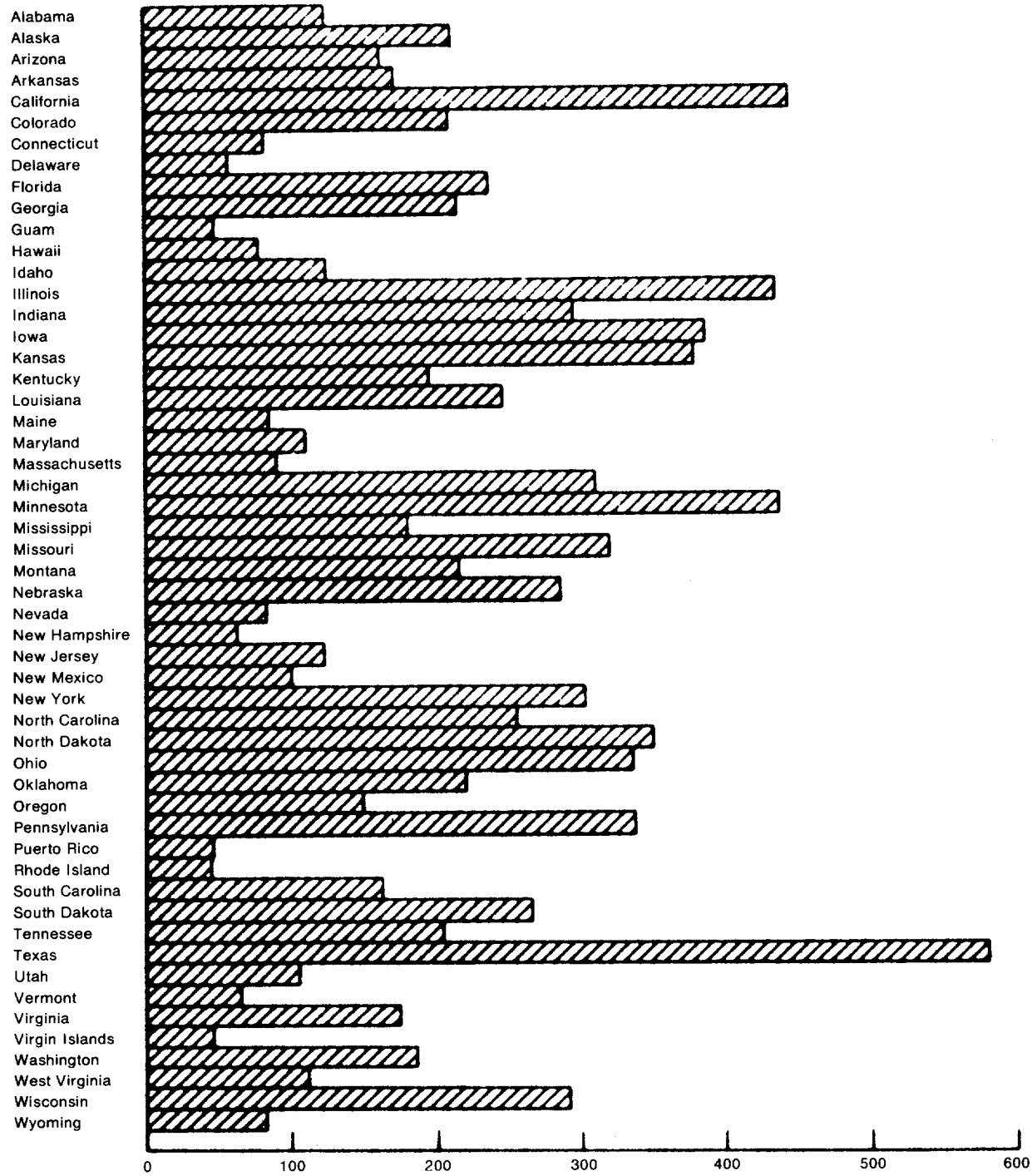
All 50 states participate in the program, a factor that strengthens it politically. The distribution of funds is reflected in *Figure 7.*

The actual administration of the fire program is largely a state responsibility. State foresters accept applications from local governments and nonprofit organizations in their respective states. State forestry organizations then review them and approve projects to be funded. In addition the state units provide technical assistance to local units in organizing, training, and the selection of equipment. The U.S. Forest Service concerns itself with program guidance, funding coordination, and audit, and offers technical assistance, including training and the development of equipment.

The states handle the grant money in different ways, sometimes passing through to localities all except the 10% used for administration, sometimes retaining part or all of it at the state level to be spent there for local benefit.[76] In Maryland, for example, the state matches the federal funds used for train-

Figure 7

RURAL COMMUNITY FIRE PROTECTION: FUND ALLOCATIONS BY STATE, TOTAL DOLLARS RECEIVED, FY 1975, 1976, and T.Q.*



*Transition Quarter

SOURCE: U.S. Department of Agriculture, Forest Service, *Rural Community Fire Protection,* Program Aid 1196, Washington, DC, October 1977, p. 8.

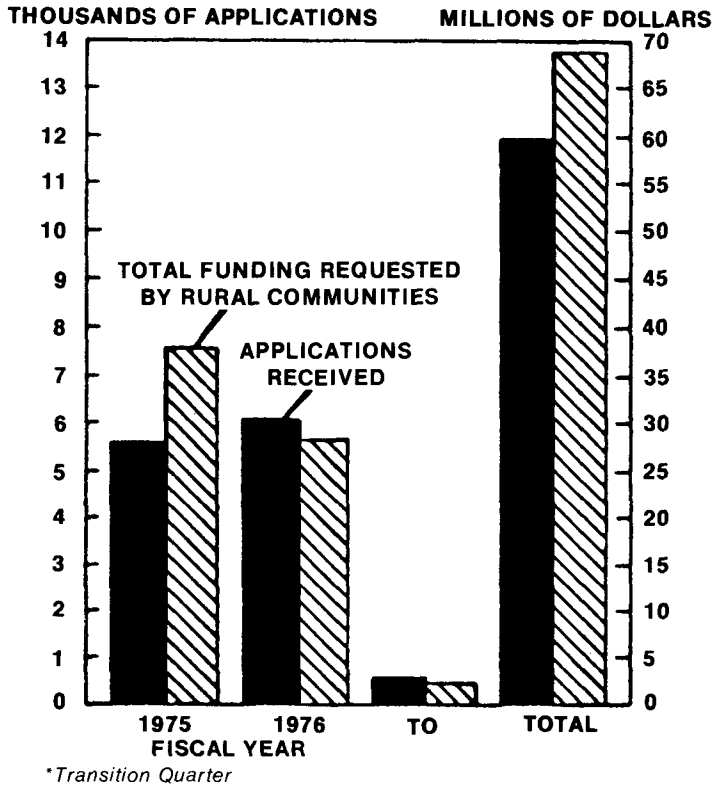
ing and gives them to the state fire academy for training rural fire fighters. In Kansas, on the other hand, the state matches its portion for the state forester to buy equipment and distribute to rural fire departments. Other variations exist. Funds sometimes go to municipalities, counties, special districts, townships, or to private nonprofit groups. The ultimate responsibility for allocating the funds once they come to the state—for determining who benefits from this federal program—rests with the state foresters as long as they comply with federal requirements.

In FY 1975, the first year of funding, 5,684 applications were received requesting $38,761,672. Those for subsequent years declined somewhat, but they always have exceeded the funds available. *Figure 8* reflects the number of applications received and total funding requested for FY 1975 and 1976 and the transition quarter from July 1976 through September 1976, when the dates of the fiscal year were changed. Financial assistance to state forestry agencies ranged from $14,000 to $185,000 with the average grant being $65,000. Amounts involved in state agreements with communities were between $400 and $28,000, with the average at $2,000. A total of 2,868 agreements between foresters and communities were signed in 1977.[77]

Most of the successful applications requested funds for equipment. With them the local fire departments acquired excess military property, fire apparatus, self-contained breathing units and protective clothing for fire fighters, and communications equipment. Rolling stock (trucks and trailers) accounted for $843,424 in FY 1975 and $476,172 in FY

Figure 8

RURAL COMMUNITY FIRE PROTECTION:
NUMBER OF APPLICATIONS RECEIVED AND TOTAL FUNDING REQUESTED



*Transition Quarter

SOURCE: U.S. Department of Agriculture, Forest Service, *Rural Community Fire Protection*, Program Aid 1196, Washington, DC, October 1977, p. 9.

1976. During the same years $1.9 and $1.2 million, respectively, went for protective clothing, communications, and other items.

The Forest Service reports that the program established 120 new rural fire departments, brought others up to standard, and trained over 28,000 fire fighting personnel in basic and advanced fire suppression techniques by mid-1977. Moreover in cooperation with the U.S. General Services Administration, more than 1,000 excess military trucks and tankers were converted to fire fighting apparatus, loaned to rural fire departments through the state forestry organizations.[78]

SUBSEQUENT LEGISLATIVE CHANGES

The fire program was not funded before efforts were underway to expand it. In 1973 Sen. Walter D. Huddleston (D-KY) introduced S. 1785 to amend Title IV of *The Rural Development Act of 1972* to provide assistance for volunteer fire departments in rural towns, villages, or unincorporated areas with populations between 200 and 2,000. Funds up to 50% of the cost would be available for equipment and training. The proposal later was added in committee to S. 118, which became *The Agriculture and Consumer Protection Act of 1973*, although the training section did not survive the legislative process.[79] Since the Huddleston provision is regarded as duplicative of Title IV, it never has been funded.[80]

The Agriculture and Consumer Protection Act was broadened the coverage of Title IV of *The Rural Development Act* by substituting "fires" for "wildfires" wherever it appeared. Thus cooperative programs for training and equipment are not limited to those for "wildfires." This made the program general in scope.

Another piece of legislation affected the program. Legislation passed in December 1975[81] authorized the Secretary of Agriculture to enter into cooperative agreements with public or private agencies, organizations, institutions, or persons for performance of forestry protection activities. These include fire protection, among other functions. To do this the Secretary may advance funds from any Forest Service appropriation available for similar kinds of work. Apparently this would permit rural community fire protection funds to be used in this manner. This seems to be a forerunner of 1978 legislation consolidating fire protection programs.

The Cooperative Forestry Assistance Act Of 1978[82]

In 1978 Congress repealed Title IV of *The Rural Development Act*, Sections 1, 2, 3, and 4 of *The Clarke-McNary Act*, and certain other legislation, and consolidated fire protection and some other forestry activities into one program. Section 7 of the legislation relates specifically to rural fire prevention and control. The legislation makes federal assistance to local fire units permanent and expands the federal role.

In enacting the law, Congress found that:

> Significant accomplishments have been made by the Secretary and cooperating states in the prevention and control of fires on forest lands and on nonforested watersheds for more than 50 years . . . that progress is being made by the Secretary and cooperating states and rural communities in the protection of human lives, agricultural crops and livestock, property and other improvements, and natural resources from fires in rural areas . . . [and] the effective cooperative relationships between the Secretary and the states regarding fire prevention and control on rural lands and in rural communities should be contained and improved. . . .

The legislation authorizes cooperation with state foresters in developing systems of forest fire prevention and control in rural areas. It provides for technical assistance to them and through them to other agencies and individuals for fire protection on nonfederal lands. Cooperative efforts to organize, train, and equip local fire fighting forces in rural areas are to be supported with financial, technical, and other aid. The statute also encourages the use of excess federal personal property by state and local fire units that receive federal

assistance. The legislation also established in the U.S. Treasury a special rural fire disaster fund to be immediately available to and used by the Secretary to supplement any other money available to carry out Section 7 with respect to rural fire emergencies. State and local resources are to be used before the disaster fund money is spent.

Provisions for improving state management capabilities are contained in the act as well. Federal assistance is authorized for the development of stronger and more efficient state organizations that manage and protect nonfederal forest lands. Such aid includes organization management, program planning and management, budget and fiscal accounting services, personnel training and management, information services, and recordkeeping. It must be requested by state officials.

Other sections of the act that do not deal directly with fire protection but which may affect it include financial and technical assistance for assembly, analysis, display, and reporting of state forest resources data, for training of state forest resources planners, and for participating in forestry resource planning at the state and federal levels. Moreover to ensure the dissemination of innovative techniques, training of state forestry personnel is authorized whenever it is necessary to ensure that the programs authorized by the act are responsive to special problems, unique situations, and changing conditions.

Under *The Cooperative Forestry Assistance Act,* the Rural Community Fire Protection Program, originally a three-year pilot program, acquired permanent status. The legislation combined it with part of Clarke-McNary and other cooperative forestry programs. (It still is administered separately.) Moreover the authorization limit of $7 million was removed, although the significance of this is questionable at the present time since past appropriations have never reached that figure, remaining constant at $3.5 million.

In addition to making the rural fire program permanent, the legislation provides opportunities for expansion of the federal role. As a matter of fact it requires it. Assuming funding for the Rural Fire Disaster Fund, the Secretary of Agriculture takes on an emergency assistance function not exercised before—that of extending financial assistance. Perhaps more important in terms of possible expansion of federal activity are the federal actions sanctioned in regard to improving state capability in forest protection and management and the authorization for training of state forestry personnel. This can occur whenever the Secretary deems it necessary to ensure that the programs are responsive to special problems, unique situations, and changing conditions. The Secretary appears to be given a free hand to determine when the need exists.

INCREMENTALISM AT ITS BEST: AN ANALYSIS OF THE EVOLUTION OF THE RURAL COMMUNITY FIRE PROTECTION PROGRAM

There probably is no better example of incrementalism in public policy development, often discussed by political scientists,[83] than the evolution of the Rural Community Fire Protection Program. With one foot placed firmly before the other, the federal government moved from a policy of reserving public lands for timber, conservation, and recreation purposes to assisting rural communities in the development of fire protection capabilities. Little by little the government expanded its activities and its aid until rural communities were about the only areas left without federal help. One more step was not difficult.

Because the program evolved so gradually, it met with little resistance after the principle of cooperative forestry had been established by *The Weeks Act* in 1911. Both prior and subsequent to that legislation, national efforts to reserve federal lands for public purposes encountered considerable opposition. But measures to protect the forests from fire, both economically and emotionally difficult to criticize, did not share this fate. Even those who opposed a broader role for the federal government found it difficult—or perhaps not worth their while for such a small program—to argue against federal-state cooperation. Since the nation's forested land was intermingled as to ownership, it was difficult to protect federal land without reducing fire hazards and suppressing fires in state and private forests.

Environmental Factors

The legislation establishing the program was adopted in 1972 at a time when, on balance, the atmosphere was favorable toward fire protection legislation. The two preceding years had witnessed heavy fire losses in rural areas and the public had an opportunity to see some of this on television. In 1968, Congress had adopted *The Fire Research and Safety Act,* creating the National Commission on Fire Prevention and Control. During 1971 and 1972 the National Commission was holding hearings on fire problems, including those in rural areas, and some of the interest reflected there seeped into public and official understanding of rural fire protection needs. More importantly after a long bout with urban problems, national attention was focused on rural areas. The Congressional hearings held throughout the country, the work of the President's Task Force on Rural Development, and the President's rural development message and program all brought the glare of publicity to rural needs, although not necessarily to fire protection.

Environmental constraints were few. A national government divided on a partisan basis with the Democrats controlling Congress and a Republican in the White House made agreements on policy more difficult, although no partisan conflict developed in regard to this issue. The fiscal constraints imposed by growing inflation and a rising resistance to taxes probably were more significant. As far as demands for action were concerned, the public was apathetic, and no evidence exists of widespread calls for rural fire protection to be placed on the public agenda.

Institutional Readiness

"Institutional readiness"—that is, the willingness of the institutions in society that participate in the policymaking process to undertake new programs—was mixed. The Congress was in a receptive mood. In the first place the legitimacy of federal assistance for forest fire prevention and suppression had long been established. Extending it further could seem a natural step when a need became evident. Numerous proposals dealing with one or more facets of fire prevention and control already had been introduced. Secondly, Congress included a heavy component of liberal members whose philosophies favored the use of government to solve whatever problems arose. They were not bothered by questions of which level in the federal system should bear the responsibility or whether the problem could be solved more effectively on another level. They were willing to use the resources of the federal Treasury and the expertise of the federal bureaucracy to attempt solutions to whatever problems arose. Many of them as a matter of fact sought out programs that they might sponsor. Furthermore, John A. Baker, author of a paper on the fire protection needs of rural areas, was positioned as a consultant to the Senate committee considering rural development legislation—a location giving him an opportunity to point out rural fire protection inadequacies.

The Presidency, on the other hand, was not in such a state of readiness. Richard Nixon's philosophy of slowing government growth, holding down costs, and reversing the trend toward Washington constituted a definite handicap for advocates of expansion. His determination to institute special rural revenue sharing served to brake the adoption of additional categorical grant programs. On the other hand he did not oppose the rural fire program and he did give it a boost by pointing up rural fire deficiencies in the message accompanying the first *Report on Government Services to Rural America.*

The Forest Service, destined to administer the program, had long recognized the problems inherent in rural fire protection. Its professionals drafted legislation extending the cooperative fire protection programs to rural areas and appeared before the National Commission on Fire Prevention and Control to emphasize the problems. In addition they had a successful record of implementation behind them. The reputation of the Forest Service for competency and professionalism was one of the strongest assets enjoyed by advocates of the rural community program. Its work is regarded highly by other fire pro-

fessionals[84] as well as others knowledgeable in fire activities. Richard E. Bland, chairman of the National Commission, said:

> The forestry program was so strong and working so well that the Commission made only passing reference to it. It had great potential. We would have used it as a model if we could. Out of Forest Service efforts came a way to handle forest fire problems.[85]

There was no question of readiness for the National Association of State Foresters, the principal interest group supporting rural community fire protection. Its members were organized to get the program introduced in the Congress and that they did. Little additional action on their part was necessary to assure adoption. Fire service organizations appeared to be taken somewhat by surprise by the developments and mustered support late in the process.

Precipitation Factors

Events occasionally precipitated greater federal involvement in local fire protection—particularly World War II and the Cuban Missile Crisis of 1962. In both instances concern for suppression of fires caused by nuclear attacks led to new or more substantial federal efforts to improve the capability of local fire fighting forces. Except for the Great Idaho Fire of 1910, especially disastrous fires added only incrementally to the movement, and at the time the program was established, no particular event occurred to create a demand for action.

"Empire building" on the part of the agency may have been a factor in the efforts of the Forest Service to broaden its activities, and some believe the Service engaged in "a power grab." Equally plausible is the theory that the Service recognized a need and moved to fill it. Their long cooperative relationship with the state foresters provided an opportunity for both parties to influence each other.

Actors' Roles

The actors involved in the adoption of the Rural Community Fire Protection Program are relatively few compared to participants in many other areas of public policy, including the establishment of the U.S. Fire Administration. The leading actors include the Forest Service, the National Association of State Foresters, the Civil Defense agency, Presidents Kennedy and Nixon, Harold Gallagher, John A. Baker, Senators Bellmon, Copeland, Dole, Humphrey, Mathias, and Montoya, and Representatives Broyhill (NC), Flynt, and Sikes.

The participants played a variety of roles, some of them appearing in more than one. Roles included that of "precipitator," "initiator," "sustainer," "impresarios," "promoters" and "supporters," and most policy activities would have "constrainers" and perhaps "legitimizers" as well, but there were no "constrainers" of any note involved in the adoption period, although Presidents Nixon, Ford, and Carter and OMB could be considered constrainers in the implementation period. "Legitimizers" operated at an earlier time.

"Precipitators" were those who stimulated immediate action. Franklin B. Hough, first special agent for forestry, probably was the first, pushing as he did for a federal role in forest preservation. Sen. Copeland was another early one, introducing the resolution responsible for the initiation of the *National Plan for American Forestry,* a document helping create an environment favorable to fire protection. President Kennedy belongs in this category because of his executive order making the Department of Agriculture responsible for protecting rural areas from fire in the event of nuclear attack. This moved the Forest Service one step forward in the move toward rural community fire protection. OCD also can be classed with this group for promoting training of local fire forces and for stimulating the *Fire Coordination Study.* Sen. Humphrey precipitated action by the hearings on rural development held by his Subcommittee on Rural Development. John A. Baker, whose activities reportedly got the fire program into *The Rural Development Act,* and Sen. Bellmon, who introduced the motion in the Senate committee to include the program, played precipitating roles as well.

The "initiators," who took some official action to expand federal assistance, were numerous. Copeland, with his resolution, was one. The Forest Service, which drafted legislation and generally promoted the adoption of the program, was another. Senators Dole, Humphrey, Mathias, and Montoya, and Representatives Flynt, Broyhill, and Sikes were "initiators" also, because all took positive action to introduce fire legislation. Harold Gallagher, Kansas State forester, should be added to the group for his action in interesting Dole in introducing the successful proposal. Dole was particularly important for his actions to get the program funds reauthorized during the implementation period.

Those who kept interest in rural fire protection alive, the "sustainers," were the Forest Service and the state foresters. Over the years through their commendable performance in providing fire services as well as by constant promotion of increased coverage for federal aid, they kept at least some attention focused on the issue. They bear the primary responsibility for the final adoption of this program.

OCD performed an "impresario" role, that is, it managed others in order to promote the interests of its own organization. In doing so it also contributed to the incremental broadening of the activities of the federal government in regard to fire protection.

Baker and Humphrey were the "promoters" in this policy area. They pushed and managed the process so that the legislation finally was adopted. Humphrey probably was not managing for this purpose, but his rural development hearings accomplished the purpose just the same. He in fact created the rural development issue that resulted in what Roger B. Cobb and later Charles D. Elder might classify as "an act manufactured for an individual's gain."[86] Humphrey's efforts to build a forum enabling him to remain in the limelight after his return to the Senate resulted in his chairmanship of a Rural Development Subcommittee of the Committee on Agriculture and Forestry and nationwide hearings on rural development over a two-year period. Almost nothing was said about rural fire protection; however, it became a part of the legislation during Senate committee consideration. Humphrey, nevertheless, was busy elsewhere and attended few of the committee markup sessions, although he proposed a provision similar to the successful Dole Amendment.

Baker, as committee consultant attending committee sessions, was the "strategic person" in the term Stephen K. Bailey used when he wrote of the birth of a public policy being "the result of the impact of seminal ideas on strategic persons and propitious times."[87] His "strategic" positioning enabled him to promote ideas at the point in the legislative process where they would be the most effective.

Support had a narrow base. Originally its locus was in the Forest Service and the state foresters. Eventually "supporters" also included the Coalition for Rural Development, the National Association of Conservation Districts, the Minnesota State Planning Office, and the fire services. There was little opportunity for action by those favorable to the program at the time it was up for decision since it was placed in the Senate bill without warning. Their assistance was needed during implementation.

One More Step

An examination of the events and factors producing the Rural Community Fire Protection Program reinforces the concept of incrementalism at its most perfect. From the turn-of-the-century moves to manage and protect the federal reserve to *The Cooperative Forestry Act of 1978,* small changes in federal forestry policy added to the cooperative activities of the Forest Service. First there was Cleveland's insistence on proper management for the public domain. Then the Secretary of the Interior appointed a commission to study the problem. Its recommendation for an agency to manage the reserves eventually resulted, after a tour through the General Land Office, in the designation of the Bureau of Forestry as the administrative agency. Actions by President Theodore Roosevelt and Gifford Pinchot culminated in active forestry management.

Cooperative forestry began with *The Weeks Act of 1911* and was reinforced by *The Clarke-*

McNary Act of 1924 that broadened the scope of federal protection by removing the limitation confining it to forested watersheds of navigable streams. The law extended federal assistance to private forestry and also provided for cooperative development of a forest fire prevention and suppression system for each forest region and for the first federal matching grants-in-aid program. Then came the Civilian Conservation Corps of the 1930s, contributing manpower and funds for conservation and fire protection. Another step forward occurred during the 1950s when cooperative forestry was extended to soil conservation districts. In the aftermath of World War II, Congress provided for the sale of surplus forestry supplies to state and local governments and later for the disposition of other surplus personal property by gift or sale to other governmental units. In 1958 surplus real property belonging to the Forest Service was included. Then as a result of the Cuban Missile Crisis in the early 1960s, the Forest Service began to train rural residents and fire units for emergency fire activities. Somewhat later federal management and protective assistance was extended to urban communities and open spaces. From there it was only a half-step to including rural communities in the program.

The step Congress took when it added the Rural Community Fire Protection Program to the *Rural Development Act* was done on tiptoe as the measure was appended to the legislation by the Senate committee. The rural development bill had passed the House previously. Consequently the only House vote on the measure was when it voted on the adoption of the conference report. The Senate committee action bears out J. Leiper Freeman's assessment that,

> Senior substantive committee members on a day-to-day, year-in-year-out basis constitute about the most persistent Congressional elite engaged in shaping the policies of a bureau. Along with the committee staff, whom the senior members and especially the committee chairman select and work with, they can write substantial amounts of the final versions of policies for a bureau to administer.[88]

The fire program was such an insignificant portion of *The Rural Development Act* that general Congressional and public attention were focused elsewhere. Even if aid for rural community fire protection had come up for consideration on its own, it is doubtful that it would have met much opposition. The Huddleston Amendment, extending aid to volunteer fire departments, was adopted a year later. After all the Congress was moving federal cooperative fire protection just one step more.

FOOTNOTES

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[12]Morrell, *op. cit.*, p. 1203.
[13]Steen, *op. cit.*, p. 32.
[14]*Ibid.*
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[24]Hastings, *op. cit.*, pp. 1054-55.
[25]*Ibid.*, p. 1056.
[26]*The National Plan for American Forestry, op. cit.*
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[29]*Ibid.*, p. 75.
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[31]Hastings, *op. cit.*, p. 1074.
[32]50 Stat. 188.
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[34]68 Stat. 666; 16 U.S.C. 1001-1007.
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[50]*Ibid.*
[51]Interview by telephone with Ralph Winkworth, North Carolina state forester, November 7, 1978.
[52]Interview by telephone with Bill Taggart, October 30, 1978.
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[83]For examples, see: David Braybrooke and Charles Lindblom, *A Strategy of Decision,* New York, NY, The Free Press, 1963, Chapters 3 and 5; Lindblom, *The Policy Making Process,* Englewood Cliffs, NJ, Prentice-Hall, 1968, pp. 21-27; J.P. Crecine, *Governmental Problem Solving: A Computer Simulation of Municipal Budgeting,* Chicago, IL, Rand McNally, 1969; Robert Goodin and Ilmar Waldner, "Thinking Big, Thinking Small, and Not Thinking at All," *Public Policy,* Vol. 27, No. 1, Winter, 1979, pp. 1-24, published by John Wiley & Sons, for the John Fitzgerald Kennedy School; and Aaron Wildavsky, *The Politics of the Budgetary Process,* Boston, MA, Little-Brown and Company, 1964.

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[85]Bland, *op. cit.*

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Fire, Federalism, And Functional Assignment

Despite the long-standing participation of the federal and state governments, fire protection for citizens and their property remains primarily a local function. The country has not reached the stage where it considers the general provision of fire services to residents an activity that should be undertaken on a national level. Nevertheless, it is apparent that no local monopoly exists.

The rural community study brings one face to face with the paradox that exists between examination of the federal participation from a functional viewpoint—concentrating on which level of government should perform a function—on the one hand, and a developmental analysis that tries to explain how the federal government became involved, on the other. The idea of a great federal government concerning itself with local fire protection in rural areas is ridiculous on its face if one takes the functional point of view; however, examined from a developmental perspective, federal assistance for rural community fire protection seems a natural next step in the development of programs already underway.

Federal involvement in rural fire protection did not require any great debates about federalism or any major choices as to whether this was a proper activity for the federal government to undertake. It did not necessitate a catastrophic event, a major shift in public opinion, or even extensive interest group activity, although there was some. All

that was required was the recognition of a problem and an effort to solve it in the most reasonable way. Congress again followed the pragmatic course it so often takes and tried to solve the problem with whatever was at hand.

This pragmatism is shared by the two fire programs. While they differed radically in the processes of their development—one evolving incrementally in one federal policy stream and the other developing from a convergence of several policies and a variety of influences, not the least of which were traumatic events such as the riots of the 1960s—both were products of a "pragmatic federalism"—the problem-solving approach to determining public policy. The establishment of the U.S. Fire Administration was the more complex process of the two—the one involving more activity and depending to a greater extent on proper timing. Greater controversy surrounded its inception, although discussion of the proper role of the federal government in this activity received short shrift. This might have been expected at a time when many federal officials were reaching out to solve all problems, to redistribute public and private goods, and to reduce the risks of living in America. In their efforts to achieve their goals, they used whatever tools and materials were at hand. At another time, the solution they found might not have been the same.

Giants Or Pygmies? A Look To The Future

What does the future hold for federal policy in regard to local fire protection? The question is phrased poorly because there now are at least two federal policy streams concerned with local fire protection rather than one. The Rural Community Fire Protection Program continues as part of federal forestry policy, while the U.S. Fire Administration now occupies a stream of its own, narrow and shallow though it may be. The confusion results from different ways of approaching the activities. If one considers fire protection from the standpoint of functional assignment, it is a single function; however, if it is examined on the basis of its evolution, the distinction between the two policy streams in which the programs evolved is apparent. Consequently their futures are not entwined necessarily: one might grow into a giant while the other's development is stunted.

Clearly local fire protection is a national problem if a national problem is defined in terms of nationwide effects and the seriousness of deaths and injuries and property destruction. Losses of life and property from fire are great. Adequate fire protection, by whatever standards one uses for "adequate," is not provided universally throughout the country. In fact there are many places where there is no fire protection at all. On the other hand, if one defines a national problem as one

that cannot be dealt with on a subnational level, then fire protection does not qualify. It could be (and is) provided locally for the most part, although there are subfunctions, such as research, that might better be handled nationally. At a time in the nation's history when hard choices must be made in regard to what the federal government should finance, the extent to which fire protection is perceived as a national rather than a state or local problem may have a profound influence on the future of its federal support.

Despite the perception of the problem as national or local, the breadth and depth of political support for federal fire programs may be of greater consequence in the long run. Fire forces, especially volunteer fire fighters, are on the move to expand federal assistance in both programs.[1]

OUTLOOK FOR THE U.S. FIRE ADMINISTRATION

What does the future hold for an organization puny at birth and suffering from undernourishment and unsettled conditions afterwards? Will its paucity of funding and its relocation in the Federal Emergency Preparedness Agency (FEMA) stunt its growth?

Prognostication is difficult. The USFA came into being as a result of a convergence of environmental factors, Congressional entrepreneurship, federal policy streams, and interest group and bureaucratic actions. Whether and when that could happen again is impossible to anticipate.

Environmental Factors

Environmental factors operating at the present time do not seem conducive to growth except in regard to arson activities. Fire losses appear to be on the decline. New standards and technological advances (such as smoke detectors) operate to reduce the number of deaths, although the problem is still severe. Should the federal programs aimed at fire prevention prove effective, the U.S. Fire Administration could be a victim of its own success. Furthermore the climate of fiscal restraint prevalent throughout the country, as illustrated by California's Proposition 13, augurs better for cutback than for expansion.

On the other hand the environment for the growth of the federal role in combatting arson is favorable. The incidence of arson is on the rise. The NFPA estimates that the number of building fires that were incendiary or of suspicious origin increased from 24,000 to 65,000 between 1960-70 and more than doubled again, reaching 144,000 by 1975.[2] Arson is predicted to grow at a rate of 25% annually. It is already a greater cause of property loss than robbery or burglary.[3] Arson-for-profit especially is coming under scrutiny. It is believed to be stimulated by the Federal Riot Reinsurance Program, enacted after the riots of the 1960s made fire insurance almost impossible to obtain in the inner city, and the Fair Access to Insurance Requirements Plans established by state legislation after federal authorization.[4]

Congressional hearings, government reports, and well publicized incidents have increased public awareness and concern for the problem. A recent editorial in *The Washington Post*, noting the rising incidence of arson, declared:

> All this makes arson an obvious candidate for elevation from local difficulties to the ranks of national problems that Congressmen and federal agencies feel compelled to address.[5]

The *Post* opposed treating arson as a national problem, holding that curbing arson involved keeping people from setting fires and ensuring that those who do are caught and punished, activities that cannot be performed away from the local communities where the fires occur. In discussing the LEAA plan for federal involvement in the function, the editorial pointed up what often happens when a local problem occurring throughout the country comes to national attention. It said:

> The LEAA plan . . . has all the elements of a proper federal attack on anything. It calls for interagency coordination, multijurisdictional task forces, data collection and analysis, training and technical aid for state and local governments, demonstration

projects, conferences and research—part of which is to "synthesize" available data into "a series of programmatic options directed at practioner audiences." That seems to mean telling communities which anti-arson programs work. . . . But such "strategies" have a way of growing—and the tendency toward more and more official studies, mandates, task forces, and special programs is what's worrisome. . . .

It is quite possible, of course, that any major growth that occurs will be in LEAA rather than in the USFA. LEAA already has a plan, and as the stronger agency, it may have the political strength to assert leadership in any future federal involvement. On the other hand, it was designated recently as a low priority agency by state-oriented interest groups. The two federal agencies recently signed an agreement for a coordinated attack on arson. The USFA will provide the primary assistance for state and local governments in fire training and fire investigation, while LEAA will promote improved state and local criminal investigation and prosecution.[6]

Institutional Readiness

A factor adverse to growth is that the institutional readiness present when the fire bills were enacted no longer exists. Congress is more concerned with reducing federal expenditures than with appropriating additional funds to existing programs or agencies. Appropriating funds is not as dramatic as creating new programs, and at the present time, the rewards are likely to be perceived as going to the budget cutters.

The President also emphasizes reduced expenditures, but, in part, he wants to do this in order to undertake new initiatives, such as those for health insurance and an urban development bank. These will attract greater public attention to the accomplishments of his Administration than would an expansion of federal fire activity. In addition fire protection still is regarded as a primarily local function.

New Policy Stream

Growth of the programs operated by the U.S. Fire Administration may be impeded by a change of federal policy streams. They are no longer a part of the science, defense, and consumer protection streams significant in their birth. The reorganization wrenched them from their original source, cutting them loose to operate in a new fire prevention and control stream. This means that they may have to rely on a narrower base of interest group and bureaucratic support, divorced from their backers in science, consumer protection, and other policy areas. The exception to this is probably the defense connection, likely to continue to some degree in the new emergency agency.

Events

The impact of major events on growth cannot be anticipated. Some, like the Baltimore fire and those associated with the riots of the 1960s, could stimulate greater involvement, especially if they were related to the failure of local fire efforts. Others equally disastrous might have little effect. Events obviously have to converge with other factors to produce policy adoptions.

Funding Problems

One can anticipate funding will continue to be a problem for the USFA and in a time of widespread demands for budget cutting, substantially increased appropriations are improbable. If the interests surrounding the agency had had enough political power to ensure brighter financial prospects, they would have exerted it in the past. In addition a long-established cabinet department, such as Commerce, is in a better position to support its components than the new FEMA with little in the way of a constituency to back up its requests. Its establishment in the middle of the Three Mile Island nuclear power plant problem may enable it to make a stronger case for an increased budget. It is doubtful, nevertheless, that the fire programs would profit substantially from this since their emphasis is on day-to-day fire problems rather than dis-

asters. The new location augurs for greater rather than fewer financial difficulties, particularly since USFA must be alert constantly to protect its resources from assumption by its parent agency.

Internal Problems

Administrative problems for the fire agency could increase with the transfer to FEMA. It was separated from the Fire Research Center, a fellow Commerce component, making coordination of fire research more difficult. It is now in an agency where the emphasis is on disasters while most of the fire problems are associated with day-to-day problems in putting out fires one residence at a time. It also could become the center of a conflict between defense-oriented personnel, attuned to thinking of emergencies in the guise of nuclear attacks, and others accustomed to dealing with natural disasters. To add to its problems, its new Administrator served as acting director of FEMA for a short period, thus infringing on the time necessary to improve the fire programs.

In addition the U.S. Fire Administration no longer has the confidence of the fire services. The latter believe that they are not getting anything and that the Carter Administration has gone back on its word. They always have been interested especially in the Academy, but the problems with its site, financing, and full operation have dampened their enthusiasm for it. Nevertheless, they can be counted on to support initiatives to strengthen the USFA as long as these do not compromise local autonomy.

Forces Facilitating Growth

Despite this bleak picture forces are operating that probably will contribute to further growth. In general government agencies once established have a tendency to grow, nurtured by their own bureaucracies and the coterie of interests surrounding them. Their legitimacy has been established. They have access to the policymaking process. In the case of USFA, there is already some support in Congress for new fire activities. Hardly a session goes by without the introduction of legislation providing grants-in-aid for equipment for local fire departments, for example, and the Breckridge proposal to give the agency broad investigatory authority could be revived. The USFA also may be able to shore up its capacity by co-opting other federal programs, such as some of those in education and housing, as well as through increased reliance on state and local agencies.

More important is the rising public and governmental concern over arson. Legislation enacted in 1978 already has broadened the fire agency's functions in regard to this matter and Sen. John Glenn (R-OH) introduced S. 252, the "Anti-Arson Act of 1979," to expand the federal role. In a recent interview Glenn responded to the statement that "arson is primarily a local problem," with the statement that:

> Arson has become so epidemic that it has become a national problem, no longer just a local problem. That's been one of the difficulties. We've considered arson a local problem for so long that, while at the federal level we've taken action on other crimes, arson has had to wait until last.[7]

Any growth that occurs is likely to be concentrated, at least at first, in activities designed to prevent arson. This is an emotional subject. The public already is aware of increases in incendiary fires and deliberately set fires. At a time when this concern is on the rise, it is unlikely that the federal role in arson prevention and detection will be abandoned. It is more probable that greater responsibilities will be placed on the U.S. Fire Administration (or even some other federal agency such as HUD or LEAA), although it does not follow that increased funding will be forthcoming. Interagency grants, as exemplified by a 1979 LEAA grant to the USFA, may be the pattern of future financing.

OUTLOOK FOR THE RURAL COMMUNITY FIRE PROTECTION PROGRAM

In attempting to assess the future of the Rural Community Fire Protection Program

in an era of fiscal restraint and cutback management, the failure of the Carter Administration to request any funds in the budget for continuation of the program assumes a greater importance than perhaps it should. Presidential support for any program always is valuable, but it may not be the determining factor in survival. Other forces are organized to ensure the continuation of federal assistance. Petitions from volunteer fire units throughout the country can be counted on to trigger Congressional response. Since these organizations are located in almost every Congressional district, the support the program gains through their actions can be important. Moreover the Forest Service is a respected agency with an existing support base and access to federal decisionmakers. At the same time, the rural program profits from the establishment of the U.S. Fire Administration. That agency, being too weak to assume responsibility for Forest Service community fire activities itself, likely will support continuation of this program. Thus another federal advocate emerges.

All in all, reversal of the federal policy of assisting rural fire units is unlikely. Stepping backwards is a maneuver Congress seems politically unable to perform.

The outlook is for continued pragmatic action to deal with fire prevention and control whether it be in rural or urban areas. There is no reason to believe that Congress and the President will abandon past practices of attempting to work out solutions to major problems on an issue-by-issue basis, with no hesitancy to modify or change a program whenever necessary. This, of course, will mean a constant shift in the intergovernmental arrangements among levels of government. It is almost certain to mean government growth at one or more levels.

FOOTNOTES

[1]For example, see the report of a meeting of volunteer fire service leaders with USFA Administrator Gordon Vickery at Snowmass, CO, on August 17-19, 1979, to set out their needs and priorities. Vickery had met previously with the National Volunteer Fire Council in Dallas, TX. *County News*, Vol. 11, No. 3, Washington, DC, National Association of Counties, August 27, 1979, p. 1.

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[3]"Federal Agencies Launch Coordinated Arson Attack," *Public Administration Times*, Vol. 2, No. 9, Washington, DC, American Society for Public Administration, May 1, 1979, p. 1.

[4]See, Comptroller General of the United States, *Arson for Profit: More Could Be Done to Reduce It*, Report CED-121, Washington, DC, U.S. General Accounting Office, May 31, 1978.

[5]*The Washington Post*, Washington, DC, The Post Publishing Co., April 10, 1979, p. A14.

[6]"Federal Agencies Launch Coordinated Arson Attack," *op. cit.*

[7]"Arson: What Are the Feds and Cities Doing?," *Nation's Cities Weekly*, Vol. 2, No. 35, Washington, DC, National League of Cities, August 27, 1979.

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What is ACIR?

The Advisory Commission on Intergovernmental Relations (ACIR) was created by the Congress in 1959 to monitor the operation of the American federal system and to recommend improvements. ACIR is a permanent national bipartisan body representing the executive and legislative branches of Federal, state, and local government and the public.

The Commission is composed of 26 members—nine representing the Federal government, 14 representing state and local government, and three representing the public. The President appoints 20—three private citizens and three Federal executive officials directly and four governors, three state legislators, four mayors, and three elected county officials from slates nominated by the National Governors' Association, the National Conference of State Legislatures, the National League of Cities/U.S. Conference of Mayors, and the National Association of Counties. The three Senators are chosen by the President of the Senate and the three Congressmen by the Speaker of the House.

Each Commission member serves a two year term and may be reappointed.

As a continuing body, the Commission approaches its work by addressing itself to specific issues and problems, the resolution of which would produce improved cooperation among the levels of government and more effective functioning of the federal system. In addition to dealing with the all important functional and structural relationships among the various governments, the Commission has also extensively studied critical stresses currently being placed on traditional governmental taxing practices. One of the long range efforts of the Commission has been to seek ways to improve Federal, state, and local governmental taxing practices and policies to achieve equitable allocation of resources, increased efficiency in collection and administration, and reduced compliance burdens upon the taxpayers.

Studies undertaken by the Commission have dealt with subjects as diverse as transportation and as specific as state taxation of out-of-state depositories, as wide ranging as substate regionalism to the more specialized issue of local revenue diversification. In selecting items for the work program, the Commission considers the relative importance and urgency of the problem, its manageability from the point of view of finances and staff available to ACIR and the extent to which the Commission can make a fruitful contribution toward the solution of the problem.

After selecting specific intergovernmental issues for investigation, ACIR follows a multistep procedure that assures review and comment by representatives of all points of view, all affected levels of government, technical experts, and interested groups. The Commission then debates each issue and formulates its policy position. Commission findings and recommendations are published and draft bills and executive orders developed to assist in implementing ACIR policies.