

Written Testimony Submission on Public Protection Provisions within FY2024 NYS Executive Budget Proposal

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**BACKGROUND:**

Good afternoon and thank you for the opportunity to provide this testimony.

I am Ed Tase, President of the Firefighters Association of the State of New York (FASNY), which is the member organization that serves as the voice of New York State's over 80,000 volunteer firefighters and ambulance workers. It is an honor and privilege to be testifying before you today on behalf of the volunteer first responders of this great state. My leadership, my members and myself are grateful for your partnership and all you do here in Albany to help us keep New Yorkers safe.

FASNY has been dedicated to informing, educating and training the volunteer fire service since 1872 and also advocates for New York's volunteer firefighters and ambulance workers in both Albany and on the national level, working hand in hand with our elected representatives to enact critical legislation like presumptive cancer coverage for volunteers and laws that protect the public as well as our own.

The foundation of New York State's fire service is volunteerism - neighbors helping neighbors. The importance of the volunteer firefighters that serve our communities cannot be overstated - from the tax savings enjoyed by relying on a volunteer force to community involvement and representation. There has been a steady decline in overall volunteerism nationwide, which has acutely affected the volunteer fire service. This has led to an impending crisis in NY wherein the lack of volunteer capacity is affecting emergency response capabilities. This should be alarming when you consider that almost 80% of all fire protection services in this State outside of New York City are being provided by volunteer departments.

Twenty years ago in New York State, there were 20,000 more volunteer firefighters statewide than there are as I sit here today. Volunteer fire departments are struggling to recruit new members and retain existing ones, a challenge further compounded by increased operational responsibilities beyond fire protection in one's community to include mutual aid calls, vehicle accidents, medical emergencies, hazardous material spills, and weather-related rescue operations.

The training necessary to perform these expanding responsibilities safely and effectively has increased as has the time commitment expected of a volunteer.

While the number of volunteer firefighters across New York State has significantly decreased, the annual call volume has nearly doubled over the past 30 years, from 750,000 to 1,400,000.

The decline in volunteerism is not unique to the fire service, however the lack of available volunteer firefighters across the state has real public safety impacts – it jeopardizes the protection of people and property in our local communities. This problem goes beyond protecting lives and will have increasingly devastating impacts to local municipalities and their taxpayers if not addressed immediately.

The latest available statewide economic study commissioned by the Association shows that if all fire protective services now provided by volunteers were funded by taxpayers, there would be a one-time cost of \$5.95 billion to acquire existing structures, vehicles, and equipment, and property taxes across the state would rise on average 26.5% to cover the added cost.

My Association has been committed to addressing this crisis by conducting statewide campaigns for more than a decade and has spent hundreds of thousands of dollars to draw attention to the problem, working at the grassroots with local departments to address their specific recruitment and retention issues. These expenditures include our college tuition reimbursement program which provides tuition reimbursement to student-volunteers attending a New York State chartered college or taking online courses through Empire State College.

FASNY HELP “student-volunteers” are eligible to have up to 100% of their tuition reimbursed in exchange for maintaining defined grades and fulfilling established service requirements in one of New York’s volunteer fire companies. There is no restriction on the type of academic course(s) the FASNY HELP student-volunteer can pursue.

Additionally, FASNY is working to create two new positions within our association dedicated to new ways to approach recruitment – our new field-based outreach coordinators will target nontraditional locations to help educate on VFF service and focus to recruit from diverse backgrounds and underserved communities. To our knowledge, we believe this initiative to be the first of its kind and look forward to reporting back to the Legislature on the success of this new approach in the months and years to come.

#### **BUDGET:**

Regarding the 2023-24 NYS Executive Budget Proposal, let me start by saying that FASNY is very encouraged and appreciative that Governor Hochul has recognized and prioritized a comprehensive response to the crisis of volunteer recruitment and retention in New York. Executive leadership on this issue was mission critical, and we applaud the Governor for her call to action, as well as the demonstrated level of commitment we have continually seen from the Legislature in years past and at present.

Part H of the Governors PPGG Article VII bill proposes to provide governing boards of cities, towns, villages, and fire districts the ability to pay nominal fees to volunteer firefighters for responding to calls and for finishing specific trainings. OFPC is authorized under this proposal to create a stipend fund to reimburse volunteer firefighters for these training completions. However, there is no proposed state fund to pay these nominal fees.

Volunteer payments is a new idea in New York, and while I could spend the rest of my testimony discussing what it may mean for the culture of the 150+ year volunteer fire service, I’ll instead focus my testimony on the questions that this proposal has given rise to, and alternatives that we believe would go further to address this crisis across the entire state - and prove more beneficial for the entire volunteer service.

The Association wants to remain supportive of availing our local governments with every tool possible and the flexibility necessary to find solutions for their/our unique community profiles and challenges we face together. In consideration of this, many localities may well choose to adopt local laws to pay their volunteers a nominal fee - and many may not. Our experience leads us to believe it is very likely that this proposal will not have the intended impact in areas of the state who need the most help and may even result in the cannibalization of volunteers from those localities who do not have funding for the infrastructure to compensate their volunteers to nearby departments that do. While not widely studied, there is evidence from other states who have taken this approach which shows it is not effective in attracting new volunteers, and only supports minimal retention.

Furthermore, it is unclear from the proposal who will manage the rollout of this program, the education of localities and provide guidance on opting in and setting the “nominal fee” amounts. It is our experience these types of considerations are helpful to receive clarity on at the beginning, so a lack of direction will not lead to confusion and disparity across the state and between localities and departments who choose to opt-in.

We welcome and embrace creative thinking and strategies to address the critical and multifaceted problem of recruitment and retention. We have long recognized there is no silver bullet, and it is going to take a comprehensive statewide approach to address this effectively and stem the outflow of volunteers. While laudable, the volunteer fire service believes this proposal likely falls short of having the desired substantial statewide impact.

#### **ALTERNATIVES:**

We believe there are many initiatives that could have a greater statewide positive impact, while steering us clear of creating a system of winners and losers. Fortunately, many of them are included not only in the 2022 NYS DHSES Recruitment and Retention Task Force report, but also within the Governor’s proposed budget language.

In 2006, an income tax credit for volunteer firefighters was included in the budget at the level of \$200. This credit has not been increased in 17 years. Thoughtful legislators like Assembly Members Zebrowski and Thiele have long discussed the need for an across-the-board increase of this tax credit, and potentially to tie step increases to years of service. This would provide a framework in which continued participation as a volunteer correlates to better incentivizing that volunteer to stay in the fire service. Coupling this with the removal of a needless prohibition on collecting both a real property tax reduction and the income tax credit, as suggested in the task force report, is a relatively painless way to immediately increase benefits to new and old, renters and property owners alike who serve as volunteer emergency responders.

Focusing efforts and resources on training funding, as proposed in the State of the State and within the NYS DHSES budget, would increase the ranks that are able to come into the service and ensure they are well-trained. While it remains to be seen which courses OFPC may make stipends available for, we would wholly support an expansion of this proposal to a state-funded training stipend for volunteers who complete ALL types of training courses - not just for the new volunteer but for those looking to continue their volunteer firefighting education as well. We propose and would also support tax credits for employers who hire volunteer firefighters and provide them with dedicated time off to complete these certified training courses.

It is paramount to find ways to make training more accessible for volunteers who have ever-increasing family and work responsibilities, as well as entice them to take more training to be fully prepared for the escalating complexity of calls to which they respond. Volunteer firefighters spend more time training than ever before, learning how to respond to large-scale incidents and how to handle complicated rescue scenarios, in addition to the typical house and business fires. Volunteer firefighters constantly train to learn new skills and techniques to respond to these tough calls and to make their jobs and fellow volunteers' jobs safer. New technology being used across the state make this additional training even more critical.

#### **OTHER BUDGET ITEMS:**

After New York State enacted its first smoke alarm laws in 1961, fire-related deaths fell by half. Unfortunately, New York State currently has the distinction of most residential fire deaths in the nation - with 25 civilian fatalities already reported this year. In previous years, the state has continually ranked in the top four nationally for most fire fatalities.<sup>1</sup> This is a tragic trend and an embarrassing distinction to wear around our necks. Smoke detectors are an essential tool that can provide residents critical minutes to escape a fire and smoke, and alert emergency response quickly so less lives are lost, and less property is damaged. Too often, as firefighters, we respond to residential fires where smoke alarms are missing batteries, have dead batteries, or are missing from the property altogether. In fact, fifty-seven percent of all home fire deaths occur in dwellings with no smoke alarm or no working smoke alarms.<sup>2</sup> If we look to low-income and minority communities, we see that African Americans face nearly two times the risk of house fire deaths.<sup>3</sup> This is unconscionable.

So why is New York State charging sales tax on these devices – home life safety products that people need to protect their lives and lives of their families? We should be doing everything we can to make them more affordable and more accessible. FASNY proposes to eliminate State sales tax as a way to encourage people to purchase these safety devices that save lives. Assembly Member Wallace has long recognized the need for this, as have many of her legislative colleagues, and it is high time to take this action within this budget.

In another measure to save lives, there was an account established under New York State Finance Law Section 54-g, enacted in 1981, which was intended to reimburse localities for activities related to fire prevention and building code enforcement efforts. Under Section 9108 of State Insurance Law, funding is allocated from an insurance fee collected on

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<sup>1</sup> <https://apps.usfa.fema.gov/civilian-fatalities/incident/reportList?id=New%20York>

<sup>2</sup> <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Detection-and-signaling/ossmokealarms.pdf>

<sup>3</sup> <https://www.prnewswire.com/news-releases/kidde-launches-cause-for-alarm-campaign-sounding-the-alarm-on-fire-safety-inequity-301647630.html>

every fire insurance policy written in this state to be paid into the code enforcement account. This dedicated stream worked well for 11 years, flowing to municipalities sorely in need so they could issue building permits, conduct fire safety inspections, ensure adequate training and salaries for Code Enforcement Officers, etc.

However, in 1993 this fund began being swept into the General Fund, and what has ensued in the past 29 years is a chronic disinvestment in code enforcement and general public safety. It is immoral and antithetical to the mission of public safety to divert this away from municipalities, weakening their efforts to enforce codes that the State adopts and puts in place to keep residents safe. Unfortunately, this year's budget again proposes this sweep, to the tune of \$19.8 million dollars. That money could go a long way to protecting our fellow citizens lives and by law, should be available to our local governments for those exact efforts. Listen to your colleagues like Senators Kavanagh and Skoufis and Assembly Member Zebrowski and stop diverting this money away from these code enforcement efforts if you want to keep people safe.

New fire hazards continually appear as new technology is developed and deployed around the state – most notably of late are lithium-ion batteries, which have proliferated in consumer products across the state and nation at a rapid clip. One year ago, 17 people tragically perished in the Bronx during a fire caused by a space heater. That deadly fire ignited a lithium-ion battery, adding to the already deadly smoke conditions firefighters and escaping residents faced.<sup>4</sup>

Sadly, this tragedy is not an outlier. In New York City, about 200 fires were caused by these batteries in 2022. But this is not just a New York City issue. We have heard from our members and concerned government officials of blazes upstate<sup>5</sup> and downstate<sup>6</sup> caused by improperly used or charged lithium-ion batteries. Last year on Long Island, six fires were linked to lithium-ion batteries, causing one death and seven injuries. While the Senate and Assembly continue working to develop sound policy around lithium-ion battery safety, and officials like the Attorney General seek to educate consumers on best practices for charging, use, repair and safety, the absolute best action we can take - right now - as a state is doing everything immediately possible to protect peoples' lives. Let's stop sweeping code enforcement funding, and let's stop charging people tax on smoke detectors. These common sense fixes up front will serve New Yorkers well as we hammer out further policy on these ever-changing issues.

We appreciate the opportunity to address this joint body, and hope that our testimony is of assistance while determining the best ways to use this year's budget to protect the public. We remain an available and eager partner to any decision maker who may want to work together to solve the myriad of problems at hand, so we may all in turn serve New Yorkers better.

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<sup>4</sup> <https://www.nydailynews.com/new-york/ny-lithium-batteries-found-twin-parks-fire-bronx-twin-parks-apartment-complex-20221220-goos5sjjovh65mil6vopr5mzam-story.html>

<sup>5</sup> <https://www.timesunion.com/news/article/Local-fire-departments-chiefs-brace-for-expected-17672362.php>

<sup>6</sup> <https://www.newsday.com/beta/long-island/transportation/e-bikes-long-island-growing-murky-ivtsog34>