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## News of the week

September 7, 2007

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### Capt.: Told Not To Inspect At Fatal Fire Site; Union Blames FDNY Command for Lack Of Action Plan



By **ARI PAUL**

Capt. Peter Bosco of Engine Company 10, one of three fire officers who was relieved of duty and reassigned to Fire Department headquarters in the wake of the 130 Liberty St. fire, insists that he was following orders to not inspect the building over the preceding months.



The Chief-Leader/Pat Arnow

The Fire Department has said that Engine 10 was responsible for inspecting the old Deutsche Bank building's standpipe, which was not operational during the Aug. 18 fire, every 15 days but had not done so for more than a year. It also contended that local fire commanders ignored calls from a Battalion Chief to develop a unique fire emergency plan for the building, which was undergoing demolition.

Captain Bosco, along with Deputy Chief Richard Fuerch of Division 1 and Battalion Chief John McDonald of Battalion 1, were relieved of duty Aug. 27 and could face disciplinary or legal action.

#### 'Followed Policy'

But Captain Bosco's personal attorney and brother, John Bosco, said that when Captain Bosco was assigned to Engine 10, there was already a policy mandating that firefighters not enter the building because it was filled with toxins such as asbestos.

"He was following the policy that was in existence," Mr. Bosco said.

Captain Bosco's claim echoes that of his union, the Uniformed Fire Officers Association, which is that the blame for failure to inspect 130 Liberty St. and to develop a unique emergency plan rests not with fire officers but with commanders in the department as high up as Chief of Department Salvatore Cassano.

**'A RUSH TO JUDGMENT': At a press conference Aug. 27, Uniformed Fire Officers Association President John J. McDonnell defended three of his members who were relieved of their duties and detailed to Fire Department headquarters in response to the fire at 130 Liberty St. that killed two firefighters.**

"In its rush to judgment, the Fire Department is losing sight of the persons responsible, the people doing the deconstruction and whoever made the decision that hazard abatement should take precedence over fire safety," UFOA President John J. McDonnell said during a press conference at the union's lower Manhattan headquarters after his three members were relieved of their commands. "I think this is very disappointing. I think it is a political statement that's being made. I think these individuals are being targeted as scapegoats. They're fine officers and have impeccable reputations."

#### Asbestos Concern

During the press conference, Battalion Chief McDonnell said that the asbestos in the building made it impossible for firefighters to conduct an interior inspection. Retired Firefighter Peter D'Ancona, who worked in Engine 10, told NY1 Aug. 29 that they had orders not to inspect the building due to the toxins.

Battalion Chief McDonnell said that firefighters responding to the Aug. 18 fire used the department's high-rise emergency plan correctly. When asked why a unique emergency

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plan was not implemented even after Battalion Chief William Siegel called for one on three separate occasions, he said, "My belief is that there were multiple agencies involved in the demolition and abatement of this building, and it appears that between the Federal, local and state entities that were involved, they did not communicate."

Mayor Bloomberg said at a press conference Aug. 27 that "despite the hazards concerning this building which have been well-publicized and documented, senior fire officers decided against creating a unique fire plan for the building. This is even more disturbing when you take into account that a Battalion Chief had recommended doing so three separate times to a Division Commander, who has the rank of a Deputy Chief."

### Questions Judgment

He continued, "The Battalion Chief also recommended weekly inspections of the building so that the Department would be kept up to date about the changing conditions as the building underwent decontamination and demolition. The Battalion Chief's recommendations were not followed and we need to learn why. We also believe that fire officers at the Battalion Chief level were in the building when it was searched for human remains earlier this year. If they witnessed the conditions of the building and didn't do anything with that knowledge, then their judgment must be questioned as well."

Three days later, the Mayor said that if the three officers were found not to be culpable, they would return to their duties. But he stressed that Engine 10 had the responsibility to inspect 130 Liberty St., despite Mr. Bosco's claim that he had orders not to enter the building.

"I have no idea if there were other policies," Mr. Bloomberg told reporters. "If you're responsible for the regulation and you don't do it, you're responsible."

He added, "Nobody's scapegoating anybody."

While the Mayor insisted that the transfer action was preliminary, the UFOA said that relieving the three officers of duty wrongly and prematurely sullied their reputations.

Mr. Bosco vowed to fight alongside the UFOA to clear his brother's name.

"He's been reassigned without the FDNY interviewing him," Mr. Bosco said. "That's fair?"

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