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Editor's Column "Razzle Dazzle"

Razzle Dazzle

Accountability Starts At Top

By **RICHARD STEIER**

On Sept. 12, 2001, a veteran FDNY Lieutenant - call him Tom, because he doesn't want his real name used - entered the ruins of the Deutsche Bank building for the first time.



He and the firefighters under his command were told to go to the basement and look around. "The water was chest high in some places, and you didn't know what was in it," he said last week. "What if a guy stumbles and he gets submerged?"

They made it out safely that day, and a few weeks later he had reason to go in again. An I-beam was sticking out of the north side of the building - part of the damage caused when the Twin Towers came down - and as welders tried to work on it, the heat from their blowtorches caused part of the office area to catch fire.

'Dust Permeated the Building'

"We went up there and we didn't have a lot of water pressure, and we danced around for a while and we put out some pockets of fire and we came down after a couple of hours," Tom recalled. "And I thought it was one of the stupidest things I'd ever done. The dust was stories high - it permeated the whole building. So how come six years later it still hasn't been torn down?"

He was speaking five days after attending the Aug. 23 funeral of Joe Graffagnino, one of the two Firefighters who died inside the Deutsche Bank building along with Robert Beddia. On the afternoon of the funeral, a Bloomberg administration official, asked whether any disciplinary action was imminent regarding Fire Department personnel, had responded that it was too early to act when three separate investigations - including one by the FDNY itself - were in their early stages.

But the following Monday, with none of those probes complete, Mayor Bloomberg and Fire Commissioner Nick Scoppetta stood at City Hall telling reporters that three fire commanders - a Captain, Battalion Chief and Deputy Chief - had been relieved of their assignments.

Not surprisingly the Uniformed Fire Officers Association, which represents the three men, sprang to their defense and accused Mr. Bloomberg of a rush to judgment.

Tom echoed that sentiment, even while conceding that some officers probably deserved blame for the department's response to the fire. "You've got a building that's empty and they lost two guys - go explain that to a 4-year-old and a 1-year-old," he said, referring to Firefighter Graffagnino's children.

He questioned, however, whether the administration was getting anywhere near the problem with its decision to "bounce a couple of Chiefs and get the scalp of this Captain. You have to have accountability in the Fire Department, but where is the accountability for Scoppetta?"

For most of the past 30 years, civilian Fire Commissioners have deferred to their uniformed Chiefs when it comes to fire tactics and the day-to-day operations of the FDNY. That was why former Uniformed Firefighters Association President Jimmy Boyle said, "Ultimately, you look at who's in charge. But I think Nick has a lot of faith in his fire operations."

That, according to Tom, is a big part of the problem. Whoever gave the order that prompted Engine Co. 10 members not to walk across the street to perform the required twice-a-month inspections of the Deutsche



**The Chief-Leader/Pat Arnow
PLENTY OF BLAME TO GO AROUND:
Even as Mayor Bloomberg and Fire
Commissioner Nick Scoppetta (left)
stripped three fire officers of their
commands in connection with the
fatal Deutsche Bank building fire,
questions were raised as to whether
Mr. Bloomberg has failed to do
enough to deter contractors from
negligent practices, and whether Mr.
Scoppetta and Chief of Department
Sal Cassano (right) have failed to
adapt the way the FDNY operates so
that firefighters aren't needlessly
endangered.**

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Bank building over the 4-1/2 months between when the demolition began and the fatal fire occurred, it fit neatly into the notions that most firefighters have about their jobs.

Inspections 'Resented'

"Inspections in the Fire Department are a resented part of the job that we do because we have to," he said.

But that part of the culture, Tom continued, ran head on into one of the basic tenets that firefighters continue to live by even after the mass casualties of 9/11: if there's a fire, charge in without stopping to assess the situation.

"If the building's so toxic that you're not inspecting, then why are you sending hundreds of people into the building when it's burning?" he asked. Initially, he said, commanders at the scene believed it was just a rubbish fire. The failure to inspect the building since last year - before the demolition work began - meant they were unaware of the subdivision of office space while the asbestos removal work was proceeding, and the plywood and plastic sheeting that was used in the subdivisions.

If they knew of those changes, Tom said, "They would have known what they were going into and there would have been a fire plan."

It was the lack of such a plan, the Mayor and Mr. Scoppetta said, that led them to strip Deputy Chief Richard Fuerch of his command, and to reassign Capt. Peter Bosco and his immediate supervisor, Battalion Chief John McDonald, for the failure to conduct inspections.

One retired Firefighter from Engine 10 told NY 1 that the order not to inspect had come from higher up the chain of command. Tom said the toxicity of the building should have placed responsibility for how to inspect it with the Bureau of Fire Prevention.

"I wouldn't know where to begin with an inspection like that; I don't know how a Lieutenant or even a Captain should have known how to deal with this," he said. "The building should have been taken over shortly after 9/11 by Fire Prevention."

Sees Failure to Adapt

Despite the lessons learned at the Trade Center, Tom continued, the department hadn't adapted its tactics in responding to high-rise fires, hazardous materials incidents or even "car fires where you don't know if you're being set up by terrorists.

"The problem is, the macho orientation of the old days where you go storming into a building does not work when you have to do a size-up as the situation evolves," he said. "They had guys deployed in this building that did not have specific assignments. This wasn't a regular high-rise fire. There should have been a couple of companies going in and scouting things out, and those should have been rescue companies. Instead, you had Maydays coming from Squad and Rescue. I've never heard of that - those are the guys coming to get us out" in response to distress calls from engine and ladder company personnel.

The Deutsche Bank fire, Tom said, showed the need to rethink the aggressiveness with which firefighters go into a building without a clear sense of what's going on, rather than reacting "once the s--- hits the fan and you've got to get everybody out while they're carrying 50 to 100 pounds of equipment. As guys go through probie school, they have to be trained differently."

But he was also among those wondering why three fire officers were being called to account when it seemed a significant share of the culpability rested with the Mayor himself, as well as other elected officials. Tom ridiculed Mr. Bloomberg's initial praise of the contractor, Bovis Lend Lease, for taking on the task of demolishing the building, noting that \$177 million in government funds was being spent for that purpose and that the firm had guaranteed shoddy work by hiring "Tony Soprano," an allusion to the alleged mob connections of some of the principals at the since-fired subcontractor, John Galt Corporation.

'Don't Check, Just Hope'

"It's like Halliburton," Tom said angrily: "You just give the job to the contractor and don't check on him and hope for the best."

Mr. Boyle shared that sentiment, saying, "I think Bovis is getting a complete pass. Doesn't Bovis have some responsibility for letting [Galt's employees] drink in there, letting them smoke and use blowtorches, and breaking up the whole building?"

One former ranking city official said Mr. Bloomberg has not taken a strict-enough stance when it comes to Building Code violations (there were 19 of them at the Deutsche Bank building as a result of the demolition work), opting to increase fines rather than seek criminal prosecutions in cases where contractors' negligence has put lives at risk.

"They just chalk it up as the cost of doing business," he said of many contractors. "If you don't have that tension you get when someone could go to prison, the marketplace goes off the reservation."

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The Fire Department's resistance to increased inspections was seen even after the fire in the Happy Land social club in 1990 in which 87 people died, prompting the formation of a task force consisting of NYPD, FDNY and Buildings Department personnel to make sure the clubs had more than one exit and complied with other safety regulations. The task force was scrapped not long after Rudy Giuliani became Mayor four years later.

'Hands-Off Not Working'

During that era, the former city official said, the one FDNY official "who really believed in inspectional enforcement" was Bill Feehan, who briefly was Fire Commissioner and also served as Chief of Department, the agency's top uniformed position. On Sept. 11, however, by then the First Deputy Fire Commissioner, Mr. Feehan died at the Trade Center.

"It's obvious Scoppetta didn't see this inspectional thing as something he was going to take on," the former city official said. "And given how Bloomberg delegates responsibilities to his commissioners, there was bound to be a diminution of enforcement. But if the Mayor's hands-off approach jeopardizes too many people, then he has to take back the reins."

Last week featured some unseemly political scuffling, with Assembly Speaker Sheldon Silver faulting ex-Governor Pataki for not getting the building demolished years ago, and Republicans countering that Mr. Silver was trying to deflect blame from his ally at the Lower Manhattan Development Corporation, Avi Schick. More than a few people wondered about the role of one of the Mayor's LMDC appointees, Deputy Mayor Dan Doctoroff, who previously was heavily involved in real-estate development.

It has also long been believed that Mr. Bloomberg indulged Mr. Pataki's desire to have the rebuilding of lower Manhattan serve as his legacy while the Mayor concentrated on his futile attempt to get a football stadium built further up the west side of Manhattan.

'Happened on His Watch'

"It doesn't matter," the ex-city official said. "It happened on his watch, and he made a choice not to make sure this building was dismantled in one or two years instead of six."

The investigations by the State Attorney General and the Manhattan District Attorney are expected to focus on criminal liability, not on whether the Fire Department has to change the way it handles inspectional obligations and responds to fires or whether the Mayor needs to be a tougher, more hands-on manager.

Making such changes might not quiet the grumbling among firefighters, and could actually increase it, since firehouse culture has always been inclined to continue doing what has been done in the past.

But the bad taste left in the mouths of firefighters by the two deaths - and the realization that there could have been a few dozen more except for some luck - may make them receptive if they believe that when the damages are sorted out, their colleagues aren't taking the weight for other, guiltier parties.

As Tom said of the charge into an empty structure that turned resolution to confusion and then tragedy, "There's a widespread belief that this was a waste. What were we doing in this building?"