

Testimony of Sally Regenhard, member of the Family Steering Committee of the 9-11 Commission, and Chairperson of the Skyscraper Safety Campaign, to the House Committee on Government Reform  
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Chairman Davis, Ranking Member Waxman, and members of the House Committee on Government Reform: My name is Sally Regenhard. I am the founder and Chairperson of the Skyscraper Safety Campaign (SSC). I created this organization in memory of my son, Christian Regenhard, a probationary firefighter who was lost at the World Trade Center on September 11<sup>th</sup>, 2001 along with his entire Engine Company 279 who remain missing to this day. The goals of the SSC include advocating for a thorough investigation into the disaster at the World Trade Center as well as making high-rise buildings safer in the future through improved codes, better design practices, and enhanced emergency response procedures and equipment.

Today, I would like to discuss the findings and recommendations found within the 9/11 Commission Report. Specifically, I would like to address Chapter Nine of the report, which deals with the events at the World Trade Center. In addition, I would like to discuss the related recommendations found in Chapter 12.

Overall, I feel that the 9/11 Commissioners and Staff have provided us with a great amount of detail and analysis about the emergency response that terrible day. Their extensive text and notes give us new insights into what went right and what went terribly wrong that day. They are to be thanked and congratulated for their superlative and dedicated work. They must also be thanked for the respect and honor demonstrated to the victims and their families all along this arduous process. However, I do feel that some of the conclusions drawn in Chapter Nine are not based upon actual substantiated facts, but rather upon unsupportable opinions.

One particular aspect of the report that is quite troubling to me and my organization is the discussion relating to the evacuation orders of the North Tower on pages 322-323 of the report and the corresponding endnote numbers 209. It is alleged that many of the firefighters in the North Tower heard the message to evacuate but chose to remain in the building prior to its collapse. To the contrary, this issue of firefighter deaths is directly tied to the lack of radio communication capability. This has been well documented in the post 9/11 McKinsey Report, the NY Times, and numerous other publications and firefighter comments. Yet this theory that firefighters chose to die, has also been advanced by some public officials, undoubtedly hoping to deflect criticism for the inadequacy of the FDNY radios and for the absence of a functioning Incident Command Structure in NYC on 9/11 which undoubtedly could have saved so many firefighter's lives, including my own beautiful son, Christian.

I take specific exception to the section in the Commission Report which states: *"In view of these considerations, we conclude that the technical failure of the FDNY radios, while a contributing factor was not the primary cause of the many firefighter fatalities in the North Tower."* I and my technical advisors have reviewed the substantiating documentation and have found it lacking. In essence, the report makes very weak arguments such as *"it is very possible that at least some of these firefighters did hear the evacuation order"* as well as the most curious statement that firefighters were *"likely to have known to evacuate."* Such statements are not conclusive. Stating that the firefighters refused to evacuate the building (for whatever reason) and disobeyed such an important order simply cannot be confirmed and is a disservice to their memory. These people are dead – we cannot ask them these questions. The questionable findings of Chapter 9 are based on interviews and transcripts which the families and the public have no access to. In addition, many surviving firefighters and ranking officers referred to the Commission by the Skyscraper Safety Campaign have stated that no evacuation order was ever heard by them.

While this may seem to be a trivial matter to some, it is exceedingly important to the families of the firefighters who perished that day – including the mother of FF Sean Patrick Tallon who is among the many family members present today. We feel that the lack of radio communication capability was *the primary* reason that so many firefighters died. The fact is that their equipment betrayed them when they

needed it the most. This fact is well documented in a new book, co authored by a NYC Fire Department Battalion Chief entitled: *“Radio Silence, FDNY”* and provides a history of how these failed radios got into the hands of NYC’s Bravest on 9/11. Even today, nearly three years later, the FDNY still does not have an adequately robust radio system that gives them the capability to talk in all high-rise buildings, subways, and tunnels in the City of New York. This is not just a firefighter issue – this is a public safety issue of grave concern for all.

I call on Congress to hold hearings into the flawed 9-1-1 Emergency Communication System and FD radios of 9/11 *as well as* the failure of the City of New York to put useful radios into the hands of *today’s* firefighters. You are the last hope to provide an unbiased, critical review of this significant issue. Another issue that I would like to discuss pertains to the report’s analysis of the Incident Command System currently utilized by the City of New York. Just days prior to the 9/11 Commission hearings this past May in New York, the city announced the creation of a new Citywide Incident Management System, (CIMS) intended to meet an impending federal requirement. Unfortunately, CIMS is a fundamentally flawed command system in many respects, including its illogical split of Haz Mat responses between the NYPD and FDNY, even in the case of a terrorist attack, and the lack of a single clearly designated incident commander in many emergency responses.

As a New Yorker living in the nation’s number one terrorist target, I also have grave concerns about the amount of money flowing to New York City for anti-terrorism preparedness. We should be receiving a much larger piece of the pie, eliminating the pork barrel spending of the past. I agree with the 9/11 Commission in its desire to see that a risk and vulnerability assessment form the baseline for spending. I would further suggest that the *likelihood* of an attack play the predominant role in any risk/vulnerability assessment process.

Regarding Commission recommendations: A review of Chapter 12 reveals that only three recommendations deal with all of the complex issues that surfaced in New York City and continue to haunt us to this very day. These three recommendations can be characterized as mom and apple pie; they are too broad and are lacking the specificity to deal with the complex issues at hand. I would have hoped for many more *specific* recommendations dealing with each of the communications, incident command, and private-sector emergency preparedness issues raised in this report.

For example, the 9/11 Commission should have strongly critiqued New York City’s incident command system rather than just stating that *“emergency response agencies nationwide should adopt the Incident Command System...”* With all due respect to the Commission, most cities and states *have already done this*. Why not analyze New York City’s current system and detail why it is flawed rather than just state that it *“falls short of an optimal response plan?”* Clearly, more work is needed in this area.

In closing, you may have noticed that I am wearing some medals today. My son earned these medals for *obeying orders* as a Recon Marine Sergeant, during his five years of distinguished service in the U.S.M.C. before joining the Fire Department. When a Marine receives an order, he follows it! If told by a superior officer to evacuate the World Trade Center on 9/11, he and others would have done so. If only their radio would have worked. All of those predominantly young firefighters lost at the WTC on 9/11 (with rare exception) would have chosen life – if only given the chance. . Unfortunately, they and the rest of the 343 cannot testify before you today. I wear these medals to defend their honor and in doing so, I once again reiterate the need for Congressional Hearings into the Communications and Radio failures of 9/11. I acknowledge the role of the First Responders as part of the first casualties in this war on terrorism. Please, do not overlook the important problems still facing them today. The FDNY and the rest of our nation’s emergency personnel are America’s first lines of defense in this country. If they are not safe and well equipped, how can they protect the public in case of another terrorist attack? Please help them and honor those who are gone, by giving your attention to this most important matter.

Thank you for allowing me to testify. I look forward to your answering any questions that you may have.

