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Firefighter death under investigation

By Bernie Smith / Staff Writer
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A lawyer retained by the family of fallen firefighter Irwin "Buzz" Gross is investigating whether the fire truck involved in the accident that fatally injured Gross on April 30 met safety standards, including those set by a national firefighter association.

Gross died on May 3, three days after falling off the back of an antiquated Pirsch model fire truck and hitting his head in front of Station 7 on Washington Street while responding to an emergency call. The accident is under investigation by town and state authorities.

"I am going to conduct an independent, thoroughly-professional investigation into this accident," said Neil Rossman, a Boston-based lawyer who confirmed this week he is representing the Gross family. But Rossman cautioned that his investigation had only begun.

"I may find liability against certain parties. I might not. I don't know. It may go nowhere," Rossman said.

An attempt to reach the Gross family on deadline was unsuccessful.

In 1985, Rossman represented the family of another Brookline firefighter, Joseph Tynan, who two years earlier had also been critically injured after falling from a Peter Pirsch Company fire engine. Tynan died several years ago after suffering massive brain damage from the accident. The Pirsch Company was found liable in 1986 for the accident, and was successfully sued for \$5 million.

Pirsch has since gone out of business.

According to Rossman, the decision reverberated nationwide. As a result of the Tynan case, all new fire engines made since the decision included a fully enclosed cabin with seatbelted chairs for every member of the crew, Rossman said.

"Once I won the Tynan case, the designs [for fire trucks] changed in the country - almost overnight," said Rossman. "The number of accidents [involving firefighters] declined dramatically."

Experts in the fire safety and prevention field recognize the significance of the Tynan case.

In 1991, the National Fire Protection Association, a fire safety organization based in Quincy that sets voluntary standards, changed its guidelines to require all new fire trucks be equipped with fully enclosed cabins for all crew members.

Last year, those guidelines, known as NFPA 1901, were updated to require older model trucks - those built before 1985 - including reserve engines, also be refurbished with fully enclosed cabins or be retired.

Gross was riding in a semi-enclosed cabin on the Pirsch truck when the accident occurred.

While some states require their fire departments be in compliance with NFPA standards, Massachusetts does not.

"NFPA standards are voluntary standards," said Jennifer Mieth, a spokesperson for the state Department of Fire Services. Interim Brookline Fire Chief Peter E. Skerry would not comment on whether Brookline adheres to NFPA standards.

Robert Barraclough, a member of the NFPA 1901 mobile fire apparatus committee and president of Best Fire Apparatus Resource Inc., said fire departments are wise to stay in compliance with NFPA guidelines.

"If there is an accident where a truck [is not up to NFPA standards], it will go to court," Barraclough said "The first thing a good lawyer, any lawyer, even a bad lawyer, will do is pick up [a copy of] the NFPA standards," to suggest liability, he said.

Rossman said he has urged fire departments to refurbish their reserve engines to meet current standards.

"I've lectured and flown to different states and Canada over 50 times, to teach fire chiefs, union executives [and others] how to run fire departments safely. And one of the things I always stress is you cannot [use] a reserve piece of apparatus if it doesn't meet the same standards as primary pieces, Rossman said.

Joseph Canney, president of Brookline Firefighters Union Local 950, could not be reached for comment after repeated attempts during the last week and a half.

Bernie Smith can be reached at besmith@cnc.com

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