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Good morning, Chairman Kean, Vice Chairman Hamilton, and Commissioners; it is an honor to address the 9-11 Commission today. My name is Sally Regenhard, and I am the founder & chairperson of the **Skyscraper Safety Campaign**.

The **Skyscraper Safety Campaign** was created in December, 2001 by the Regenhard Family, in memory of my beloved son, Christian Michael Otto Regenhard, a 28 year old Probationary Firefighter who remains missing at the WTC, along with his entire Engine Company 279, to this date. He is one of 17 Probationary Firefighters lost at the WTC, and is one of the 45% of victims whose remains were never found.

The goals of the Skyscraper Safety Campaign are:

1. **To have a Federal Comprehensive Investigation, with subpoena power, into the collapse of the WTC**, including design, construction, evacuation procedures and fire fighting techniques.
2. **To encourage better compliance with building and fire codes in NYC and nationwide**, thereby safeguarding Firefighters, as well as persons who must live and work in skyscrapers.
3. **To educate "codes groups" to allow the Fire Service to have more input into writing Building Codes**. We call for at least 50% of all codes groups to be composed of representatives of the Fire Service and the academic field of Fire Science Engineering and related professions. (Existing groups are composed of builders, developers, financiers and bureaucrats who know little about Fire and Life Safety.)
4. **To ensure that all future WTC development** by the Port Authority of New York & New Jersey will be characterized by quality, safety and security, and will be under the legal jurisdiction of the NYC Building & Fire Department.

My remarks today will focus on the skyscraper safety issues of 9/11/01.

On 9/11, the cloak of competence was pulled off the City of New York. On that dreadful day, we found out how ill prepared we really were, and this knowledge came at an awful price, the needless death of nearly 3,000 people, 343 of them Firefighters, including my beautiful son, Christian. On 9/11, the City of NY and the Port Authority of NY & NJ (PA) had no plan for terrorism, despite the fact that the World Trade Center was previously attacked in 1993, with deadly consequences. At that time, the terrorists vowed to return to "finish the job" – and they kept that promise on 9/11.

The widespread failures in evacuation procedures, building code issues, and emergency communications became a prescription for disaster at the WTC. Despite propaganda to the contrary, the PA (a bi state agency which built the WTC and is totally immune from all local Building and Fire Codes) really had no evacuation procedures in place at all. They said they did training, but the fact is that evacuation was left up to the individual tenants, not the PA. The majority of the occupants who survived felt that they were improperly trained, or not trained at all. If they were trained, they would never have gone to the roof to try to escape – all those who made that crucial mistake paid with their lives. If they were properly trained, they would have known that access to the roof was impossible, because of two locked doors that were only accessible to maintenance workers with keys.

The inadequacy of codes to ensure safety of persons in high rise buildings became glaringly apparent on 9/11. In 2001, the NYC building codes, as well as all model codes throughout the nation, treated a 100 story building with the same guidelines as a ten story building. No fire drills with full building evacuations were ever mandated and the WTC occupants were just as totally unprepared for a mass evacuation as they were in the 1993 attack. NYC codes allowed a building designed to house 25,000 people to have only three staircases for emergency escape! It allowed gypsum board walls in stairways which at the WTC, collapsed under impact and pressure, trapping fleeing victims. NYC codes allowed many or all of a high rise building's stairwell doors to be locked, trapping fleeing victims when stairs collapsed, and preventing firefighters from gaining timely access to floors where people needed to be rescued. The unfortunate truth is that today, very little has changed in the area of building code reform throughout our country, including few extra safety measures for high rise buildings.

But any discussion of the NYC codes is completely irrelevant to the WTC, because these buildings were, and remain, above the law. The PA's buildings were totally immune from every single NYC building and fire code and were subject to "the Port Authority's own codes" which remain a mystery to this day, because no one has ever seen them. The PA repeatedly claims that they "meet or exceed" NYC codes, however, history has show that this is a falsehood. No high rise building of 100% bar joist floor construction before or since the WTC has ever been allowed under NYC standards and practices. According to the NIST/WTC Collapse Investigation, there is no evidence that fire tests were ever done on the fireproofing of the WTC – this is a glaring example of lack of code compliance, to say the least. Finally, the untested fireproofing was grossly inadequate- a clear violation of NYC codes, however, since no FDNY violations can be issued to such an "immune" building, no codes violations were ever served on these dangerous buildings. Indeed, the FDNY had no jurisdiction in the WTC, but paradoxically, they were required to risk and eventually lose their lives in these buildings!

One of the most tragic and abominable failures of 9-11 was the total breakdown of emergency communication and coordination in the WTC. Lacking any real plan for terrorism, and lacking a unified command structure, the PA, NYPD and the FDNY operated basically separately on 9/11/01. For the most part they did not, and could not, communicate with one another. The FDNY generally could not even communicate among their fellow firefighters. Numerous newspaper articles, interviews and 9/11 tapes have evidenced this fact. The fact that my son, and his FDNY brothers were sent in to the WTC with radios that did not work in 1993 and were no more capable of working in 2001, resulted in evacuation orders which were unheard and thus unheeded - a fact that surely contributed to their deaths.

In an effort to minimize the atrocity of the death of 343 firefighters, heroic urban legends were promulgated by leaders such as the former Mayor of NY and others who still claim to this day that "25,000 people were rescued by the FDNY in the largest rescue effort in world history". To the contrary, evacuation specialists and researchers have determined that the true number of occupants who escaped that day was closer to 7,000 people per tower. The sad truth is that whoever could get out, did get out, and while the FDNY valiantly entered the WTC to save lives; it was an impossible, and deadly, situation. They were essentially sent in to an inevitable death with radios which did not work. To this day, no one has been held accountable or responsible for these massive failures of the public trust.

Since 9/11, we are moving in the direction of change, but far too slowly. Generally, we are crawling, instead of running, towards change. One outstanding exception to this situation is the NYC Department of Buildings and its "*World Trade Center Building Code Task Force*" which is effecting sweeping change and reform for NYC's Building Code. In February of 2003, this proactive Department of the Bloomberg Administration approved comprehensive safety measures such as the *temporary outlawing of bar joist floor assembly (commonly known as "truss construction") in high rise buildings, the hardening of cores of staircases and elevator banks, the retrofitting of sprinklers in older buildings, and other safeguards which will be incorporated into the NYC Building Code. As The Skyscraper Safety Campaign praises such actions, however, we are greatly dismayed that there is still, unbelievably, widespread resistance to national reform. One example of this is the fact that all model codes still treat a 100 story building with the same guidelines as a ten story building, and another example is evidenced in the recent failures of a Codes Group to initiate basic fire safety reform through the widening of staircases in new high rise buildings.

For example, the National Fire Protection Association (NFPA) recently had the opportunity to effect the code change of widening staircases in newly constructed skyscrapers by one foot – yet failed to do so! Who can forget the stories of narrow, congested stairwells in the WTC where it was impossible for Firefighters to go up, while people were fleeing for their lives, and vice versa? Scores of still photos of persons evacuating demonstrate that occupants had to stop and turn sideways every time Firefighters passed them on their way up.

How many of those deadly 110 stories did my beautiful son climb up that dreadful day, against the tide of frantic, desperate people fleeing for their lives? Whose child, husband, parent or sibling could have escaped death by fleeing more quickly down a wider staircase? ". Did my son somehow get word of the order to evacuate, but could not, because like the other desperate people, he was jammed in a too narrow staircase with a frantic sea of humanity trying to run for their lives? What unspeakable horrors led to the brutal deaths of nearly 3,000 people?

The cruel reality is that I will never know the answers to these devastating questions – but I do know that a staircase that is one foot wider can save a life. Most regrettably, the NFPA yielded to special interest groups, and did not pass this most basic building code reform.

The Skyscraper Safety Campaign now requests that the leadership of this Commission becomes a catalyst for most needed code change throughout this country. The recent fires in Rhode Island and Chicago illustrate that disasters which happen locally should have national implications for change and reform, yet nearly always remain a local issue. One example of this is the Seton Hall, N.J. dorm fire disaster which resulted in widespread reform in fire safety and sprinkler installation for college dorms in New Jersey, but not across the country. **I appeal to this Commission to further the cause of skyscraper safety by doing the following:**

I. Closely monitor the National Institute of Standards and Technology (NIST) Investigation's findings and recommendations and encourage new coalitions of public/private partnerships with the goal of adopting these changes for the purpose of code reform and enhancement of fire safety and evacuation procedures for all buildings.

II. Make sure that the NIST recommendations for Code changes are *quickly* adopted. It now can take from 3-6 years to change codes and practices. We cannot wait that long to safeguard the American public. There must be a national perspective from all disasters like the WTC, the Rhode Island and Chicago fires. We need the shepherding of this 9-11 Commission to effect timely code change led by the ICC & the NFPA.

III. Invite the two key organizations which control public safety in buildings in the US: the NFPA and the International Codes Council (ICC) to testify to the Commission as to specifically how they are positioning themselves to *quickly* move forward on anticipated NIST proposed code changes. The Skyscraper Safety Campaign has established a relationship with the ICC. We look forward to working with both the NFPA & the ICC with the goal of widening staircases and incorporating other safety reforms into their codes.

IV. Invite the General Services Administration (GSA) and The Building Owners and Managers Association (BOMA) to testify as to why they opposed the widening of staircases in new high rise buildings under proposed NFPA code changes which were defeated.

V. Encourage reform in codes groups to allow greater participation from the Fire Service and Fire Professionals in the field of codes and practices. Allow the profession of Fire Protection Engineering to have responsibility for fireproofing and fire safety issues in building construction. At present, Architects (who are not fire experts) have this obligation.

VI. Require that the Port Authority of NY & NJ rebuild the new WTC under the legal jurisdiction of NYC Building and Fire Department codes. We need a set of national codes & standards with input from Fire Safety professionals, for all buildings, including government agencies. There should be NO EXEMPTIONS for any agency or authority, & the Port Authority of NY & NJ should not be allowed to rebuild the new WTC under their immunities from local building & fire codes. No building should be above the law when life safety is the issue.

VII. Keep in mind that no reformed codes, and no method of enforcement will be of any value to safeguard the American public, unless there is a system of accountability and responsibility in place. We need this for the effective safeguarding of human life in all buildings, and especially for the failures of 9/11 in NYC. There was a wholesale betrayal of all those in the WTC, and all the rescue workers who ran in to a hopeless situation, with radios that did not work. The former Mayor, Fire Commissioner and Police Commissioner of NY as well as the Port Authority of NY & NJ are just some of the individuals who must be questioned by this Commission regarding what happened to NYC on 9/11, and why the greatest city in the world was so totally unprepared for this terrorist attack, despite warnings. Accountability and responsibility are the hallmarks of a democratic society. Without a system of accountability and responsibility for all public and private officials, there will be no real impetus to change an irresponsible system - like the one that characterized the City of New York, and the WTC, on 9/11.

In closing, I would like to tell you that the writer Gertrude Stein once said that... "the dead speak to us."

Members of the 9-11 Commission: the dead are speaking to us today. They are asking you, by your work, to give others the gift of life- through accountability, responsibility, change and reform. The dead are speaking to us...I hope that you will listen to them.

Sally Regenhard, Chairperson, The Skyscraper Safety Campaign, 11/19/03

*Truss construction is only temporarily prohibited for high rise buildings in NYC as the Dept of Buildings awaits final recommendations from the NIST/ WTC Investigation.

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