TESTIMONY OF

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BEFORE

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INTERGOVERNMENTAL RELATIONS, AND
THE DISTRICT OF COLUMBIA

U.S. SENATE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

REGARDING

WILDFIRES: ASSESSING FIRST RESPONDER TRAINING AND CAPABILITIES

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Thank you, Chairman Begich and members of the Subcommittee for inviting me to testify today. I am here on behalf of the National Federation of Federal Employees (NFFE) and the 110,000 federal workers we represent at 40 different agencies throughout the federal government, including approximately 20,000 in the U.S. Forest Service.

I began my federal career in 1976 as a temporary employee with the National Park Service. I then worked three years as a temporary employee for the Forest Service as a firefighter and tree planter before becoming a permanent federal employee in 1979. I worked as a forester on the Siuslaw and Rogue River National Forests in Oregon and spent the last 16 years of my 31-year federal career at the Tongass National Forest in Sitka, Alaska. For 22 of my 31 years in federal service I fought wildfires, serving in a variety of fire positions, including: firefighter, crew boss, incident commander, and other fire positions. While working in Alaska, I served as a crew boss fighting wildfires in-state as well as taking Alaskan crews down to the lower 48 states.

I know what it is like to be in the thick of a raging wildfire. I know what it is like to be out with your crew trying to tame a blaze and knowing that a small shift in the wind pattern could put your life and the lives of your crew in jeopardy. I also know what it is like to come home from several weeks of working on dangerous wildfires, walking in the front door, and seeing the look of utter relief when your wife and children know you have come home safe.

Firefighting is a dangerous business, and when you are out there, the only thing standing between you and trouble is your equipment and the brave men and women with you on the fire-line. That is why it is so critically important that we do everything possible to give these dedicated firefighters the training and resources they need to have success, both in completing the mission and ensuring they come home safe at the end of the day.

There is little doubt that wildfires are a bigger problem in this country than they were a decade ago. Drought and other factors have contributed to creating hotter, drier, and longer fire seasons, on average two months longer than in the previous decade. Six of the worst fire seasons since 1960 have occurred since 2000. This is not an anomaly. This is the new normal. Unfortunately, we are still doing business the old way and it is not working.

In some cases, the problems are complex and the answers are not easy to come by. However, in other cases, the answer is straightforward and the time for it to be implemented is long-overdue.

TRAINING CHALLENGES

In Audit Report 08601-54-SF (March, 2010) on the Forest Service's succession planning for firefighting, the U.S. Department of Agriculture (USDA) Office of Inspector General (USDA-OIG) noted that training and other challenges were "setting the stage for future shortages of qualified firefighters." They noted that 64% of essential fire command personnel would be eligible to retire in 2014, increasing to 86% by 2019. They also noted that there were only 5,199 trainees for 11,129 critical firefighting positions.

Consistency in training across agencies is essential. In any discussion of the challenges we face, we must first acknowledge the tremendous work of wildland firefighting agencies to improve operational interagency cooperation across jurisdictional boundaries. The development of a consistent certification and training system administered by the National Wildfire Coordinating Group (NWCG) is an outstanding achievement. However, jurisdictional and agency cultural barriers still exist.

The purpose of the Wildland Firefighter Apprenticeship Program (WFAP) is to take this consistency in training to the next level. NFFE is proud to be a founding partner in this interagency agreement developed to create the WFAP. The WFAP is a national interagency program registered through the U.S. Department of Labor and in partnership with the major federal land management agencies. The WFAP is designed to be complementary to the purpose of the NWCG regarding consistency in classroom training and certification. It was established to enhance consistency and a joint operations atmosphere between the federal agencies in both the classroom delivery and on-the-job training experiences of their employees initially entering career positions as firefighters. Unfortunately, the WFAP has been under-utilized and I am hearing reports that firefighting agencies may be turning away from it. This would be a step away from consistency, and a step in the wrong direction.

Another area of concern regarding training is simply ensuring that funding to support training and "trainee assignments" (in addition to classroom training, firefighters must work alongside fully certified personnel before achieving full certification to serve in a given position) is reaching the field in an adequate and timely way. This is not happening as consistently as it needs to. Here are a few examples of how this ongoing problem is occurring:

- An engineer on a fire engine crew in Southern California reports that primary fire personnel on his forest are unable to attend training classes that are only offered out-of-state and unable to go on trainee assignments because of lack of funding.

- A purchasing agent in Arizona reports she just received the fiscal year 2014 (FY14) budget in March, but she was recently informed that the cut-off date for significant procurements (which is normally August 30) has been moved up to June 15 because of the anticipated need to transfer funds to cover fire suppression costs (this "fire borrowing" is discussed later in this testimony). In other words, for 8-9 months of FY14, there is substantial uncertainty in the field about availability of funds.

- An interagency dispatch center manager describes the outcome of budget uncertainty on training decisions as follows: "The timing of the budget has a huge impact on our training. Training must typically be scheduled prior to getting the budget, but our managers don't know how much money we will have for training. Then, when we do get the budget, we may have training money but it is too late to get into classes. Plus, fire season has started and our firefighters are in the field fighting fire. This happens every year."

As even this brief description illustrates, the training challenge is complex and infringes on other topics (*e.g.*, funding). However, Congress can improve the situation by doing the following:

1. Exercising appropriate oversight to ensure that (a) the action items developed as a result of USDA-OIG Audit Report 08601-54-SF are properly implemented and (b) the WFAP is used to its fullest potential.

2. Appropriating funds in a timely fashion so that funded training opportunities are not scuttled by budgetary uncertainty.

RETENTION CHALLENGES AND THE LAND MANAGEMENT WORKFORCE FLEXIBILITY ACT

Generating highly trained and exceptionally skilled firefighters is an important part of the capacity puzzle. An equally important part is retaining those valuable employees in whom so much has been invested. Unfortunately, the attrition rate for wildland firefighters is alarmingly high. There are a number of reasons for this. I would like to focus on one that is easy to fix.

The career path of a wildland firefighter begins on the fire line. Theory is learned in NWCG-sponsored classes. Experience is hard-earned in the smoke and ashes of the fire line. However, the career path of seasonal firefighters is blocked by flawed and dysfunctional federal regulations. The good news is this problem may be simply addressed, at little to no cost, by simple legislation to reform the offending regulations.

Because of the seasonal nature of the job, wildland firefighting positions are typically filled using seasonal appointments. Typically, leadership or more technical positions are filled using the permanent seasonal appointment authority under 5 CFR 340.402. These firefighters' tours are six months or greater, depending on the need during a particular season. These positions come with the same benefits as full-time permanent positions, except they are prorated based on the length of the tour.

Entry level firefighting positions, and on some units intermediate positions, are typically filled using the temporary seasonal authority under 5 CFR, Part 316, Subpart D. These firefighters' tours are limited to six months, at which point they must be sent home regardless of whether or not fires are still raging. These positions come with very limited benefits and no job security – firefighters are terminated at the end of their tour and may or may not be reappointed in subsequent seasons.

To give one example, the structure of a typical 20-person hotshot crew is shown below:

- 1 GS-9 superintendent
- 1-2 GS-8 assistant superintendents (also called captains, foremen)
- 2-3 GS-6/7 squad leaders
- 3 GS-5 senior firefighters
- 12 GS-4 and/or GS-3 firefighters

Typically, the GS-3 and GS-4 firefighters are hired under the temporary authority and the superintendents and assistant superintendents under the permanent seasonal authority. Some senior firefighters and squad leaders are hired under one authority, some under the other.

Many firefighters accept their initial temporary appointments as a "foot in the door." Many return to their positions, year after year, for many seasons, acquiring in the process valuable training and experience. However, those firefighters looking to advance their careers face a barrier that has nothing to do with their skills. They face the fact that current personnel regulations do not credit their service, regardless of how long, as qualifying for acquiring "competitive status." Without competitive status, they are barred from competing for jobs under the merit promotion procedures, authorized at 5 CFR Part 335, that are available to other federal employees. Many skilled firefighters eventually leave, taking their valuable skills with them.

The flexibility to fill positions from current employees under merit promotion, or from among civilian applicants under the competitive process of 5 USC Chapter 33, is a fundamental and necessary flexibility. This flexibility applies with respect to the roughly 2.7 million other federal employees. Yet, in spite of the fact that the kind of experience necessary to make a good hotshot superintendent is earned in the smoke and ashes, this flexibility does not apply with respect to seasonal wildland firefighters. This foolish regulation must be changed.

The Land Management Workforce Flexibility Act (LMWFA, S. 1120 and H.R. 533), would address this inequity. Like other federal employees, the temporary employees to whom the bill would apply would have acquired their positions under the normal competitive process. The LMWFA would give them the same opportunity to advance their careers under merit promotion procedures.

The LMWFA would reduce attrition caused by lack of a realistic career path. It would also enhance the pool of highly qualified applicants for technical and leadership positions throughout the fire organization. It would foster the development of a safer, more experienced workforce. NFFE strongly urge its passage.

There is, however, a way in which the bill may be significantly improved. We recommend it be amended to provide experienced temporary seasonal firefighters with a waiver of the maximum age for entry into career firefighting positions. Currently, under regulations that treat them the same as off-the-street applicants who have never fought fire, highly trained, experienced, and valuable temporary seasonal firefighters become ineligible for permanent firefighting jobs when they reach age 37. While it makes sense to limit the entry age of inexperienced applicants into the profession, it does not make sense to prevent seasonal firefighters with decades of experience from the opportunity to compete for entry into the career ranks. These are exactly the kinds of individuals we need in fire leadership positions.

FUNDING CHALLENGES AND THE WILDFIRE DISASTER FUNDING ACT

Strong winds causing damage to communities happens to some degree every day in this country. Typically, wind-related damage is limited to a small area, and emergency responses to these incidents are generally provided by local resources and personnel. However, every so often a larger event occurs, such as hurricanes, which can overwhelm local or even regional resources. These significantly bigger events can require a national response.

Similarly, roughly 99 percent of wildfires are local events that are handled by local resources and personnel. However, some fires escape initial attack and become catastrophic events that overwhelm local or even regional resources. Although only approximately one percent of fires become catastrophic wildfires, on average they account for roughly 30 percent of the cost of suppression.

Responses to catastrophic wildfire events, like responses to hurricanes, are national responses. Logically, the funding mechanism should be similar. However, because of nothing more than a historical happenstance, responses to hurricanes and wildfires are not funded the same way. Unlike the Federal Emergency Management Agency (FEMA) and other federal agencies that respond to national emergencies, Interior-funded agencies must pay for fire suppression using discretionary funding. With the occurrence and severity of wildfires increasing, the portion of the Forest Service discretionary budget that goes to fire suppression and preparedness has increased from 16 percent a decade ago to 45 percent today.

The substantial expense of fighting wildfires often exceeds the funds appropriated for wildfire suppression, an outcome not expected to change in the coming years. When this happens, the U.S. Forest Service and the Department of the Interior (DOI) transfer funds from other programs into firefighting accounts to cover the shortfall. This so-called "fire borrowing" results in cancellations and delays in the agency's on-the-ground program of work. To make matters worse, these transfers tend to occur late in the fiscal year, at the highpoint of the field season, when project execution is ready to occur. The Forest Service and DOI are forced to abruptly halt critical projects to provide funds for wildfire suppression. Ironically, some of the cancelled projects are those designed to reduce the frequency and severity of catastrophic wildfires. Agencies end up robbing Peter to pay Paul, even though by doing so they know they are increasing what they'll have to pay Paul in the future. They are forced into this scenario by an illogical funding structure that is unlike that of all other emergency response activities.

To address this problem, NFFE strongly urges Congress to pass the Wildfire Disaster Funding Act (WDFA, S. 1875 and H.R. 3992). The WDFA would provide "additional new budget authority" as the amount specified in an appropriations Act for a fiscal year to pay for wildfire suppression operations, but only to the extent such authority exceeds 70 percent of the average costs for wildfire suppression operations over the previous 10 years. This would leave intact the way funding is provided for handling 99 percent of wildfires, but cap adjustments would deal with the unpredictable catastrophic events. The WDFA would not use FEMA funding and would not affect FEMA's Disaster Relief Fund. It would not add to discretionary spending. It would prevent the "fire borrowing" that has decimated land management agencies in recent years and is otherwise poised to increase.

FUNDING CHALLENGES – MANAGING THE LAND

When it comes to the cost of wildfires on communities, the actual cost of fighting the wildfires, while substantial, is only the tip of the iceberg. A few years ago, the Western Forestry Leadership Coalition published a study entitled, "The True Cost of Wildfire in the Western U.S." For six large fires, the report looked at costs other than just suppression costs, in order to get a

better handle on the true cost of these events. True costs ranged from double the suppression cost to 29 times its cost. On average, the true cost exceeded the suppression cost by a factor of 11.

Unhealthy forests substantially increase the risk of catastrophic wildfires. Just looking at the economic bottom line, treatment and restoration as measures to reduce the risk of catastrophic wildfires is cost effective. For example, an April, 2014 study by the Forest Service, Nature Conservancy, and Sierra Nevada Conservancy showed that, for fire-adapted forested watersheds of the Sierra Nevada and the Western United States like the Upper Mokelumne Watershed, treatment costs were one-half to one-third of the cost of suppression.

It does not take a Ph.D. in fire ecology to understand this point. I can assure you that firefighters on the front lines understand it even better. In preparing for this testimony, we specifically reached out to some of our members who are firefighters on the 9,400 acre 100 Mile Creek Fire in Alaska for their thoughts. This is from a front-line firefighter, sent from the field on his iPhone:

> "Being proactive instead of reactive when it comes to slowing and stopping fires is what needs to happen. We are failing by not focusing on the real problem enough, which is defensible spacing around homes and communities. A lot of jobs could be created and funded if more money was set aside solely for thinning out the forests. When these fuel breaks are created and maintained the threat and need for huge suppression efforts and costs is reduced. Commercial logging and biomass utilization projects can and should come in to play here as well… Successes such as the fuel breaks around the Kenai National Wildlife Refuge during the Funny River Fire… need to be broadcast and showcased to the public."

And these observations came from an Alaskan fire manager:

> "In Alaska, we do have a well-constructed, tactical plan to deal with fires. But, with the weather changing to drier conditions, human error, lightening, campfires, burn barrels, etc., wildland fires are on the increase. I see the issue as two-fold: 1) We have let forests get into a state of overgrowth and decay, thereby causing wildland fire occurrences to increase in recent years. More equipment and more thinning of the forests may decrease the number of fires in a season, as well as, allow for larger areas to be treated. 2) There is an increased number of people that are moving into wildland areas now, which has increased the number of wildfires in these remote areas. In Alaska, we fight to put the fires out immediately, we address the hazardous fuels, but sometimes forests are allowed to grow into a dangerous overgrowth causing a hazardous situation. We address the hazardous overgrowth to the best of our ability during the season."

We face enormous challenges. Many of our forests are unhealthy. Even with passage of the WDFA and the end of "fire borrowing," resources committed to prevention are not adequate for the task at hand. Unless we prioritize restoration of forest health and preventative treatments to decrease the risk to dwellings and other structures in the wildland-urban interface, preparedness and suppression costs will continue to rise.

CONCLUSION

I mentioned at the beginning of my testimony that some answers were straightforward. The answer to how to fund catastrophic wildfire is the WDFA (S. 1875). And a necessary part of the answer to improving the retention and career advancement of trained and experienced firefighters is the LMWFA (S. 1120). It is time for Congress to take action to provide the resources and the flexibility necessary to protect communities across our nation from wildfire. These reforms cannot wait until next year. They need to be acted on immediately.

I appreciate the Subcommittee's decision to hold a hearing on this matter and I thank you for the opportunity to provide testimony.