



To: House Committee on Natural Resources Republican Members
From: Subcommittee on National Parks, Forests, and Public Lands Republican Staff;
Aniela Butler (Aniela@mail.house.gov) and Brandon Miller
(Brandon.Miller@mail.house.gov)
Date: October 25, 2021
Subject: Legislative Hearing on “Wildland Firefighting Workforce Reforms”

On **Wednesday, October 27, 2021, at 10:00 A.M. ET, in room 1324 Longworth House Office Building and online via Cisco Webex**, the Subcommittee on National Parks, Forests, and Public Lands will hold a legislative hearing titled, “*Wildland Firefighting Workforce Reforms*,” including the following bills, and other related measures:

- **[H.R. 4274](#) (Rep. Zoe Lofgren)**, To waive limitations on overtime and premium pay for wildland firefighters, and for other purposes. *Wildland Firefighter Fair Pay Act*.
- **[H.R. 5631](#) (Rep. Joe Neguse)**, To reform and enhance the pay and benefits of Federal wildland firefighters, and for other purposes. *Tim Hart Wildland Firefighter Classification and Pay Parity Act*.

Member offices are requested to notify Brandon Miller no later than **Tuesday, October 26, at 4:30pm EDT**, if their Member intends to participate. Submissions for the hearing record must be submitted through the Committee’s electronic repository at HNRCDocs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (Everett.Winnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Our federal wildland firefighters are heroes who not only deserve fair pay, but better forest management that will make catastrophic wildfires less likely and severe. While the bills on the hearing are laudable proposals, Committee Democrats are refusing to pair these necessary reforms with solutions that will also address the long-term issues facing our wildland firefighters and health of our federal lands.
- As wildfire seasons grow in both length and severity, the retention and recruitment of federal wildland firefighters has become an issue of concern. In addition to the mental and physical toll of fighting longer and more severe fire seasons, better employment opportunities at the state and private level have exacerbated workforce challenges.
- While firefighter compensation, classification and support services are very important issues, weighing these issues alone without addressing the worsening wildfire risks on



our federal lands that are sending our wildland firefighters into unwinnable situations misses the mark.

- Committee Democrats have consistently rejected efforts by Committee Republicans to advance meaningful forest management legislation to tackle our wildfire crisis and rejected requests to include forest management legislation in this very hearing.
- While Committee Democrats support better pay and benefits, they also support draconian vaccine mandates imposed by the Biden Administration that will also unquestionably impact recruitment and retention of federal wildland firefighters.

II. WITNESSES

Panel I:

- **Ms. Jaelith Hall-Rivera**, Associate Deputy Chief of Staff, State and Private Forestry, U.S. Forest Service
- **Mr. Jeff Rupert**, Director, Office of Wildland Fire, Bureau of Land Management

Panel II:

- **Mr. Matt Dias**, President and CEO, California Forestry Association [*Republican Witness*]
- **Ms. Kelly Martin**, President, Grassroots Wildland Firefighters
- **Mr. Lucas Tanner Mayfield**, Vice President, Grassroots Wildland Firefighters

III. BACKGROUND

Federal Wildland Firefighters

Federal wildland firefighters are employed primarily by the U.S. Forest Service (USFS) and the Department of the Interior (DOI).¹ More than 15,000 firefighter positions are maintained by USFS and DOI at all times to respond to wildfires across the nation.² During times of peak fire activity, USFS and DOI can activate up to 13,000 firefighters within their respective agencies and can call up to 11,000 personnel from outside their departments to support wildfire response in a surge capacity.³ The Department of Defense (DoD) may also provide aviation assets in addition to personnel to support firefighting efforts.⁴ The U.S. also maintains several international agreements to exchange wildland fire support with other countries such as Canada, Mexico, Australia and New Zealand.⁵

¹ CRS Memorandum “Federal Wildland Firefighters: Background, Biden Administration Initiative, and 117th Congress Legislation.”

² *Id.*

³ *Id.*

⁴ 2021 National Interagency Mobilization Guide.

⁵ *Id.*

Federal wildland firefighters are paid on the General Schedule (GS) and salaries generally range from GS-3 to GS-9 and up to GS-15 for senior fire leadership positions.⁶ The agencies employ both temporary seasonal firefighters and permanent career firefighters. Temporary seasonal firefighters are known as 1,039 firefighters, because they are hired to work up to 1,039 hours per year (a limitation that can be waived by the U.S. Office of Personnel Management (OPM)).⁷ 1,039 firefighters are not eligible for federal retirement benefits. Permanent career seasonal firefighters receive the same benefits as other permanent federal employees.⁸ Wildland firefighters work a regular 40-hour week until wildfires begin.⁹ While fighting fires, they follow an interagency work-rest policy that provides 1 hour of rest for every 2 hours of work, and 2 mandatory days off for every 14-day assignment.¹⁰

Retention and Recruitment Challenges

The hiring and retention of federal wildland firefighters has become a growing issue for both USFS and DOI.¹¹ The two biggest drivers of this have been difficulty filling new firefighter positions and experienced firefighters leaving the federal government to join state or private firefighting organizations where the pay and working conditions are better.¹² This is especially true in California, where the state firefighting agency, Cal Fire, offers entry level pay of nearly \$50,000 a year.¹³ This is roughly two times what entry level federal wildland firefighters earn.¹⁴ This disparity and difficulty to fill new federal positions has led to hundreds of vacant permanent federal firefighting positions in California.¹⁵

An emerging concern that could have devastating impacts on all public servants, including wildland firefighters, is the vaccine mandate imposed by the Biden Administration. Rather than allowing federal employees to consult with their doctor to determine appropriate medical actions, President Biden mandated that federal employees and contractors receive COVID-19 vaccinations.¹⁶ Federal employees must be fully vaccinated by November 22, 2021,¹⁷ and federal

⁶ “Policy, Data, Oversight Classification & Qualifications.” *U.S. Office of Personnel Management*, <https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/0400/forestry-technician-series-0462/>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ “Interagency Standards for Fire and Fire Aviation Operations.” *Https://Www.nifc.gov/Sites/Default/Files/Redbook-Files/RedBookAll.pdf*, Jan. 2021.

¹¹ Gabbert, Bill. “Hiring and Retention in the US Forest Service Is a Growing Issue.” *Wildfire Today*, 21 May 2021, <https://wildfiretoday.com/2021/05/20/hiring-and-retention-in-the-us-forest-service-is-a-growing-issue/>.

¹² *Id.*

¹³ Bustillo, Ximena. “‘They Get Really Jaded’: Worker Defections Strain Feds’ Wildfire Crews.” *POLITICO*, POLITICO, 28 July 2021, <https://www.politico.com/news/2021/07/28/they-get-really-jaded-worker-defections-strain-feds-wildfire-crews-501258>.

¹⁴ “Policy, Data, Oversight Classification & Qualifications.” *U.S. Office of Personnel Management*, <https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/0400/forestry-technician-series-0462/>.

Gabbert, Bill. “Hiring and Retention in the US Forest Service Is a Growing Issue.” *Wildfire Today*, 21 May 2021, <https://wildfiretoday.com/2021/05/20/hiring-and-retention-in-the-us-forest-service-is-a-growing-issue/>.

¹⁵ *Hiring and Retention in the US Forest Service Is a Growing ...* <https://wildfiretoday.com/2021/05/20/hiring-and-retention-in-the-us-forest-service-is-a-growing-issue/>.

¹⁶ Exec. Order No. 14042 86 Fed. Reg. 175, 50985 (Sept. 9, 2021).

¹⁷ SAFER FED. WORKFORCE TASK FORCE, *COVID-19 Workplace Safety: Agency Model Safety Principles* (Sept. 13, 2021).

contractors must be fully vaccinated by December 8, 2021.¹⁸ Employees not in compliance with this requirement will face consequences, including termination of employment.¹⁹ The Biden Administration's policies will force our wildland firefighters, who risk their lives year after year to keep our communities safe, to choose between their livelihood and their own personal health decisions and will negatively impact the already struggling recruitment and retention problem.

Stop Sending Firefighters Into Unwinnable Situations

To truly address the challenges facing our wildland firefighters, we must address the wildfire crisis driven by decades of mismanagement of our federal forests. We have lost more than 75 million acres of land to wildfire in the last 10 years, with more than 6.5 million torched this year alone.²⁰ These infernos have tragically led to 134 wildland firefighter fatalities in the last 10 years, or roughly 13 firefighters every year.²¹

Due in large part to a mix of bureaucratic red tape, onerous regulations and frivolous litigation, the USFS is carrying out only 2 percent of needed fuel reduction treatments per year.²² At this paltry treatment pace, the USFS will not tackle its high-risk backlog, nor keep pace with additional problem areas, for several decades.²³ Without a drastic change of course, our wildland firefighters will continue to be asked to face increasingly dangerous and deadly fires.

The severe wildfire threat remains, with over 117 million acres (63 million for USFS; 54 million for DOI) of federal land at high or very high risk of wildfire, representing nearly one-fifth of the combined federal lands administered by the agencies.²⁴ This year, the United States spent more consecutive days at the highest wildfire preparedness level, Preparedness Level 5,²⁵ than in any other year.²⁶ According to USFS Chief Randy Moore, these increasingly dangerous wildfire seasons have stretched scarce firefighting resources to the limit.²⁷ During recent testimony before Congress, Chief Moore advocated for better wildland firefighter pay while also stating the following:

¹⁸ SAFER FED. WORKFORCE TASK FORCE, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* (Sept. 24, 2021).

¹⁹ Zeke Miller, *Sweeping New Vaccine Mandates for 100 Million Americans*, AP NEWS (Sept. 9, 2021), <https://apnews.com/article/joe-biden-business-health-coronavirus-pandemic-executive-branch-18fb12993f05be13bf760946a6fb89be>.

²⁰ "National Fire News." *National Fire News | National Interagency Fire Center*, <https://www.nifc.gov/fire-information/nfn>.

²¹ *Firefighter Fatalities in the United States in 2019*. <https://www.usfa.fema.gov/downloads/pdf/publications/firefighter-fatalities-2019.pdf>.

²² Fretwell, Holly, and Jonathan Wood. "Fix America's Forests: Reforms to Restore National Forests and Tackle the Wildfire Crisis." *PERC*, 12 Apr. 2021, www.perc.org/2021/04/12/fix-americas-forests-reforms-to-restore-national-forests-and-tackle-the-wildfire-crisis/.

²³ *Id.*

²⁴ Hoover, Katie. *Federal Wildfire Management: Ten-Year Funding Trends and Issues (FY2011-FY2020)*. <https://www.crs.gov/Reports/R46583?source=search&guid=8a080671120b4e7f92061e82e8a2bdf3&index=6>.

²⁵ National Wildland Fire Preparedness Levels, NATIONAL INTERAGENCY FIRE CENTER, https://www.nifc.gov/sites/default/files/2020-09/National_Preparedness_Levels.pdf (last visited Oct. 15, 2021).

²⁶ *Full Committee Hearing on The 2021 Wildland Fire Year: Responding to and Mitigating Threats to Communities: Hearing Before the Subcomm. on Conservation and Forestry of the H. Comm. on Agriculture*, 117th Cong. (2021) (Written Testimony of Randy Moore, Chief, U.S. Forest Service).

²⁷ *Id.*

“We will never hire enough firefighters, we will never buy enough engines or aircraft to fight these fires. We must actively treat forests. That’s what it takes to turn this situation around. We must shift from small scale treatments to strategic science-based treatments across boundaries. It must start with those places most critically at risk. We must treat 20 million acres over 10 years. Done right in the right places, treatments make a difference.”²⁸

[H.R. 4274 \(Lofgren\)](#)

Federal firefighters from DOI and the U.S. Department of Agriculture (USDA) are paid on the GS pay scale based on their seniority and performance. Due to the nature of responding to wildland fires, federal employees involved in wildland fire management are often required to work in excess of 40 hours per week, for which they earn overtime and/or premium pay. In each of the past five years, several federal employees earned the maximum amount of annual premium pay established by federal law.²⁹ H.R. 4274 exempts federal wildland firefighters in DOI and USDA from premium pay limitations for work relating to wildfire emergencies. This bill received a primary referral to the House Oversight and Reform Committee. **Staff contact: Brandon Miller (x57611)**

[H.R. 5631 \(Neguse\)](#)

This bill is named after Tim Hart, a smokejumper from Cody, Wyoming, who tragically died earlier this year fighting a wildfire in New Mexico.³⁰ The legislation would create a new federal wildland firefighter classification series, raise federal firefighters' pay to \$20 an hour, increase health care and mental health benefits, and add more paid leave. H.R. 5631 would also increase retirement benefits for those with 10 years of experience. Finally, this bill would establish a mandatory one week of mental health leave annually for wildland firefighters, provide housing stipends for all firefighters on duty more than 50 miles from their primary residence, and offer tuition assistance for all permanent federal wildland firefighters. This bill received a primary referral to the House Oversight and Reform Committee. **Staff contact: Brandon Miller (x57611)**

IV. MAJOR PROVISIONS & ANALYSIS

[H.R. 4274 \(Lofgren\)](#)

Section 3. Waiver of Premium Pay Limitations for Department of Agriculture, Department of the Interior, and Department of Commerce Employees Engaged in Emergency Wildland Fire Suppression Activities

- Waives premium pay for wildland fire suppression activities from being calculated as part of the existing limitation on premium pay.

²⁸ Gabbert, Bill, “In Congressional hearing Forest Service Chief Randy Moore recommended improved pay for federal wildland firefighters,” Wildfire Today, October 13, 2021, <https://wildfiretoday.com/2021/10/13/in-congressional-hearing-forest-service-chief-randy-moore-recommended-improved-pay-for-federal-wildland-firefighters/>.

²⁹ *Id.*

³⁰ *Smokejumper Tim Hart Passes Away - Wildfire Today*. <https://wildfiretoday.com/2021/06/03/smokejumper-tim-hart-passes-away/>.

- Exempts excess premium pay from being considered a part of a covered employee's basic pay calculation, and from being used for computing lump-sum payment for accumulated annual leave.
- Requires to Secretaries of Interior and Agriculture to submit separate reports identifying appropriate steps needed to support an expanded full-time, year-round firefighting workforce.

H.R. 5631 (Neguse)

Section 2. Federal Wildland Firefighter Occupational Series, Pay, Recruitment and Retention.

- Establishes a new “Wildland Firefighter Series” for federal wildland firefighter positions.
- Mandates that the minimum pay for wildland firefighters cannot be less than the rate of pay for step 3 of GS-6 of the GS scale.
- Requires pay increases that are at least equal to the percentage change in the Consumer Price Index (CPI).
- Requires a report from the Secretaries of Interior and Agriculture on whether pay, benefits and bonuses to federal wildland firefighters are comparable to state and local firefighting jobs where federal wildland firefighters are based.
- Requires the Director of OPM to establish better guidelines to better account for the unique challenges facing wildland firefighters.
- Provides 24 hour pay for each hour of a resource order deployment.
- Provides paid family leave for federal wildland firefighters not covered by the Family and Medical Leave Act (FMLA).
- Creates a new \$1,000 recruitment bonus and an increasing retention bonus that increases with each year of service.
- Provides a housing allowance for federal wildland firefighters deployed to a location over 50 miles from their primary residence.
- Creates a \$4,000 voluntary tuition assistance program for federal wildland firefighters.

Section 3. Health Provisions

- Requires the Secretaries of Interior and Agriculture to establish a new “Federal Wildland Firefighter Cancer and Cardio-vascular Disease Database.”
- Requires the Secretaries of Interior and Agriculture to establish a new mental health awareness and support program for federal wildland firefighters.
- Provides each federal wildland firefighter with 7 days of annual paid mental health leave.
- Extends workers compensation presumption to federal firefighters for heart disease and several forms of cancer.

Section 4. Retirement for Firefighters

- Ensures all federal wildland firefighters earn retirement benefits for temporary seasonal employment, retroactively applying to the last 10 years of service.

Section 5. Pay Parity for Federal Structural Firefighters

- Requires the pay, benefits and bonuses provided to any federal structural firefighter to be comparable with that provided to federal wildland firefighters.

V. COST

None of the bills on this hearing have received a Congressional Budget Office (CBO) cost analysis.

VI. ADMINISTRATION POSITION

The Administration's position on each of these bills is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

H.R. 5631 (Neguse)