**COMMENTS ON SENATE WILDFIRE BILL**

**REFERENCE CONFERENCE CALL 10-15-15 WITH**

**SENATE ENERGY & NATURAL RESOURCES COMMITTEE**

The comments provided are based upon feedback from our federal wildland firefighters in 38 states and employed by all 5 federal land management agencies. We sincerely appreciate the opportunity to participate in dialogue on this important subject.

**PROPER CLASSIFICATION OF WILDLAND FIREFIGHTERS**

We vigorously support the creation of a new separate & distinct federal wildland firefighter classification series by OPM to more accurately reflect the year round emergency response activities these employees perform. We have sponsored HR 3363, the ***Federal Wildland Firefighter Recognition Act*** which does this. We have worked in recent years to secure the support of the Forest Service, NFFE and OPM in this endeavor. We believe such a change would significantly improve morale overnight among our firefighters and improve recruitment & retention leading to savings. Similar legislation was passed by the House in 2006.

**EPA**With all due respect to the EPA and their stated goals and objectives, our firefighters continue to believe ***any*** bureaucratic/political “interference” or “influence” which needlessly impact efforts of our firefighters or needlessly increases the risks to the health & safety of them and are decisions not based on sound wildland firefighting principles should be limited.

Our primary concern with the EPA is how current regulations pertaining to Retardant Avoidance Maps for each National Forest will be affected by the proposed legislation and or EPA concerns with it.

Our firefighters are of course genuinely interested in preserving our wilderness but not at the cost of increased risk to health & safety by regulations that limit or preclude retardant drops when necessary.

A recent article in *The Seattle Times* addressed concerns by some regarding the possible over use and ineffectiveness of retardant drops. Additionally the Forest Service continues its study on the use & effectiveness of retardants.

It is a reality that public/political pressures often result in retardant drops from VLATS (747/DC-10) that are more effective at providing a show for the press and the public and costing taxpayers than being effective in stopping a fire. In fact on a recent fire in California, ineffective drops were routinely made for show on the same area each day despite the fire blowing up in this same area each day.

Further while the use of VLATS may look impressive, the logistics involved in using such large aircraft can have a more negative effect on the control of any fire. Airspace must be closed to any other aircraft thereby eliminated the "eyes in the sky" not only reporting on fire activity by spotter planes but protecting ground crews from threats not readily visible to them. Additionally, no ground crew wants to be under a drop from a large aircraft.

**USE OF DRONES**

There is increased interest within Congress regarding the use/regulations of drones. Current legislation in the House, H.R. 2808 specifically addresses the use of drones for wildfires.

Most of our firefighters believe the use of drones on a wildfire, in or outside the WUI is a dangerous precedent. Given the atmospheric and weather conditions that can be created by a wildfire, the impact of thermal columns and other weather phenomenon created by wildfires on these lightweight flying vehicles must be studied before being considered for use in the field.

It should be noted that on the NIFC Face book page a picture of a drone with a diagonal black line through it suggests that there is a dim view of the use of drones on wildfires.

**ISSUES OF INDEMNIFICATION**

Of continuing importance to Forest Service firefighters is the potential for criminal prosecution as seen after the passage of PL 107-203 in the aftermath of the ThirtyMile Fire in Washington State. There was a serious concern by fire managers on the Esperanza Fire on the San Bernardino National Forest 9 years ago (10-26-06), an arson fire that claimed the lives of an entire Forest Service engine crew, that a similar federal prosecution of a fire officer would be sought by an overzealous federal prosecutor looking for a job as a judge. The same investigators that brought the case against a fire officer on ThirtyMile were seen in the aftermath of the Esperanza Fire.

As a result of 107-203, our already underpaid federal wildland firefighters are having to cover themselves with Professional Liability Insurance simply for the life & death decisions they may need to make in a split second on a fire line.

It remains patently inequitable that only Forest Service firefighters are burdened by the law while 107-203 fails to require the investigation of a DOI employee fatality on a wildfire. While we clearly understand the admirable idea by the Washington state congressional delegation wanting to provide some answers to those that lost loved ones on ThirtyMile, the resulting law has had a serious impact on those willing to take certain command positions on wildfires for fear of possible criminal prosecution. As a result these fire officer positions are often filled with more expensive non-federal fire resources costing taxpayers needlessly.

Any discussion of indemnification should include the repeal or at the very least the re-thinking of PL 107-203 which has led to "un-intended" consequences.

**AWARDS FOR COST-EFFECTIVE IDEAS BY FIREFIGHTERS**

The current Administration offers an annual program whereby federal employees can offer cost saving ideas. Each year our federal wildland firefighters who see the fiscal waste & mismanagement on a daily basis, submit their ideas. None are adopted.

Offering awards for cost-cutting ideas for a government program for which Congress hasn't felt the need for any oversight seems a bit odd. For over 10 years the FWFSA has articulated the nexus between the management of the land management agency fire program budgets by non-fire "line officers" and the skyrocketing costs of suppression.

We have provided ample testimony before both House & Senate committees not only identifying waste & mismanagement but solutions to the problems. While many in Congress acknowledge that we are on point, no actions, the least of which is oversight on existing expenditures has taken place.

More importantly, our cost savings solutions will do so by improving both recruitment & retention of our inherently less expensive federal wildland firefighting resources. Implementing such reforms will require the land management agencies to reduce their existing over-reliance on more expensive non-federal fire resources.

**PATHWAY TO PERMANANCE**

We support the efforts of the National Federation of Federal Employees (NFFE) to pursue this critical component of improving retention among our firefighters. However we remain concerned over any negative impact such changes may have on the special retirement provisions for federal firefighters.

There remains a 50-50 split by firefighters as to whether the current mandatory retirement age of 57 is appropriate given the losses to our less costly federal firefighting workforce as a result of the mandatory retirement age and the loss to other non-federal agencies for better pay & benefits.

Permanence as a federal wildland firefighter has less to do with the ability of the seasonal workforce to secure permanent positions as it does with pay & benefits being sufficient to allow a federal firefighter to remain in the federal sector.

California's state firefighting agency Cal-Fire is again getting ready to exploit the ranks of the Forest Service by wooing away many federal wildland firefighters as they did in 2007/08 resulting in Senator Feinstein's effort to include $25 million in federal wildland firefighter retention bonuses for those in California.

Any "pathway" must include reforms that will provide the necessary incentives for federal wildland firefighters to stay in the federal system. When federal wildland firefighters have to rely on a bad fire season just to make enough overtime to make ends meet clearly indicates a problem.

Another "un-intended consequence" of poor retention is that local government fire agencies are taking advantage of the early retirement provisions for federal wildland firefighters by hiring experienced veteran federal fire officers who have reached age 50 for the sole purpose of sending them out on federal fire assignments as a single-resource making the non-federal fire agency a tidy profit.

**FMAGS**

Former Senate Energy & Natural resources Committee Chairmen Bingaman & Domenici acknowledged the rampant abuse of the FMAG program by many local government fire agencies who have been reported to order un-necessary resources to a fire simply to reach the threshold of spending making them eligible for the FMAG program. in fact it is known that some local government fire agencies start crafting their grant applications before the first units arrive on a fire. This is another program that lacks congressional oversight.

The federal wildfire program has become a financial feeding frenzy for many at the expense of our own federal wildland firefighters and taxpayers. Until Congress takes a closer look at how existing fire funds are spent by land management agency "Line officers" with little to no wildfire management experience or expertise we will continue to see suppression costs rise needlessly.