

**TESTIMONY of
JAE LITH HALL-RIVERA
DEPUTY CHIEF, STATE & PRIVATE FORESTRY
UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES— SUBCOMMITTEE ON NATIONAL
PARKS, FORESTS, AND PUBLIC LANDS
OCTOBER 27, 2021
Concerning
“Wildland Firefighter Workforce Reforms”**

Chairman Neguse, Ranking Member Fulcher, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss wildland firefighter workforce reforms for the U.S. Department of Agriculture’s (USDA) Forest Service. Wildland firefighters are the backbone of our ability to protect communities, vital infrastructure, and natural resources from wildland fires.

Challenging the Wildland Fire System

The wildland fire system is complex and comprised of responders from the Forest Service as well as the Department of the Interior, State, local government, Tribal and contract resources. The Forest Service makes up one third of the total available resources and support. Together we can field over 30,000 personnel during peak wildland fire activity.

Much work has gone into establishing interagency fire operating plans, cooperative agreements, state compacts, and other mechanisms to ensure we can effectively share resources and provide the necessary support. As a land management agency, the Forest Service is not structured, organized, or staffed as a year-round, primary fire response organization. Increased development in the wildland-urban interface, long duration fire seasons, climate change, and navigating differing expectations among partners have rapidly and significantly increased the complexities involved in managing our Agency’s response to wildland fire and all hazard incidents.

Forest Service employees are called upon to do more each year, both personally and professionally. Not only are they routinely asked to lead nationwide fire suppression efforts throughout the year, but they also support state and local governments and other federal agencies with all hazard emergencies. Examples of these emergencies include: the terrorist attacks of 9-11, the 2013 Columbia shuttle crash, the COVID-19 pandemic and vaccination campaign, and hurricane response, such as to Hurricanes Maria, Sandy and Katrina.

Wildland fire forecasts consistently predict fire seasons starting sooner, ending later, and with a higher severity throughout the nation. In addition, our protection agreements often extend to low elevation areas and homes and infrastructure in the wildland-urban interface; thus, for the Forest Service, fire seasons have become fire years. With these changes in conditions and responsibilities, it is imperative to ensure a robust, year-round workforce available to respond at any time. This workforce needs to be supported, equitably compensated, have a better work-life

balance, and be available to undertake preventive actions like hazardous fuels management treatments during periods of low fire activity.

As the complexity of the firefighting environment grows exponentially, our recruitment and retention of firefighters has been further complicated by a lack of a competitive compensation for permanent and seasonal employees. For example, temporary employees are not able to pay into the retirement system until they become permanent. Federal wages for firefighters have not kept pace with wages offered by state, local and private entities in many areas of the United States. This has led to increased employee turnover and an associated loss of technical expertise and experienced leadership.

Firefighters need to be fairly compensated for their significant contribution to supporting firefighting operations. Due to the inequities, we have in compensation with both state and private entities the Forest Service has struggled to maintain capacity at all levels of our firefighting organization which causes us to be in a constant mode of training new employees. For instance, the overall attrition rate for fire personnel in the Forest Service is over 10% annually with the majority occurring in the mid-career range, GS-5/6/7. Compounding this issue, we have had trouble with hiring personnel at the same level where we see our attrition. In lieu of being able to hire experienced firefighters, we are hiring at the entry levels which require a significant devotion of time to develop and train leaving a void in experienced firefighters until they have the proper training and experience.

The demand for firefighters and incident management personnel is constant throughout the height of fire season, leaving little time for rest and recuperation. Incident personnel are working up to 16 hours a day, 14 days straight, getting two or three days off, then deploying again and again for weeks – or even months at a time. The difficult fire years we have recently experienced have raised issues with the annual Federal pay cap limitations for select critical, front-line employees and incident management personnel, and we appreciate Congress acting on the Administration's request to temporarily provide pay limitation waiver authority for targeted personnel in the Continuing Resolution for this calendar year. These and other factors have caused our federal wildland firefighting workforce to be stressed like no time in our history. Suicidal ideation, depression, and Post-Traumatic Stress Disorder affect firefighters at levels far above what is found in general society. We are working to address behavioral health needs and will continue to weave mental health and emotional safety into the fabric of our fire community and the Agency.

The Administration is committed to addressing these challenges. President Biden began the process by providing a ten percent performance award payment for permanent firefighting personnel up to the General Schedule (GS)-9 level; temporary firefighters received a \$1,300 award; and permanent and temporary firefighters in a GS-1, GS-2 or GS-3 position received additional compensation to ensure they make at least \$15 per hour. Over the last two years, the Forest Service has converted 500 firefighting positions from temporary to permanent. Going forward, our most critical step will be working directly with firefighters and union officials to listen to their concerns and co-create solutions that will serve their needs into the future.

H.R. 4274 - Wildland Firefighter Fair Pay Act

The objective of the bill is to permanently provide a premium pay cap waiver for emergency wildland fire suppression activities and requires the development of a report on the resources, policies, personnel or structural changes, and other investments necessary to support an expanded full-time, year-round firefighting workforce in USDA and Department of Interior within 120-days of enactment. While we appreciate the intent of H.R. 4274, our ongoing objective is to provide targeted and narrow pay cap relief for a limited time duration, against the backdrop of promised wildland firefighter workforce and compensation reforms. Federal Labor Standards Act (FLSA) overtime pay does not count in applying the title 5 premium pay cap, so this issue mainly affects FLSA-exempt employees at higher grades. The Administration remains mindful of budget constraints and of new pay inequities created within these agencies, and across the greater workforce by the temporary lifting of the pay cap waiver where mission critical work is also occurring.

H.R. 5631 – Tim Hart Wildland Firefighter Classification and Pay Parity Act

Section 2(a) creates a “Wildland Firefighter” series with the option to remain in current occupational series. USDA supports the creation of a “Wildland Firefighter” series that reflects the variety of positions that manage wildland fire. USDA has concerns with the provision that allows employees to select their own occupational series and would like to work with the Committee and bill sponsor to ensure this aligns with existing human resources practices established by OPM.

Section 2(b) creates a minimum pay standard for Wildland Firefighters, provides for annual raises, strives for comparable compensation to the non-federal sector, and expands hazardous duty differential. USDA is interested in working with the Committee and bill sponsor to explore ways of increasing compensation for wildland firefighters. We have been working with OPM and OMB to develop an Administration strategy, including both administrative and legislative options. Though we are not able to endorse specific legislative proposals at this time, we are supportive of reform efforts that will address the staffing challenges we are facing. USDA has concerns that, without additional funding, actions to increase compensation will drastically reduce the number of firefighting personnel employed by the Forest Service.

Section 2(c) requires the establishment of Wildland Firefighter work schedules, establishes portal to portal pay, and provides a new leave category for Wildland Firefighters. These proposals raise concerns that require further discussion and study. Among other things, USDA has concerns that additional leave categories will have unintended consequences. We look forward to working with the Committee and bill sponsor in partnership on the strategy for the wildland firefighter workforce.

Section 2(d) allows for up to 180 days of unpaid leave without a loss of retirement benefits, establishes an annual retention incentive requirement, provides a housing allowance, and establishes a tuition assistance program. USDA welcomes the opportunity to work with the Committee and bill sponsor on these creative ideas that are intended to address the problems we are facing. These proposals require further discussion, including USDA’s concerns that, without

additional funding, these provisions will reduce the number of firefighting personnel employed by the Forest Service.

Section 3 establishes a Wildland Firefighter health database, a Wildland Firefighter mental health program, mental health leave, and a Wildland Firefighter presumption of illness. USDA is supportive of the goals of these provisions but would like to work with the Committee and bill sponsor to ensure they align with existing authorities. USDA has concerns that with existing funding, the establishment of these programs will reduce the funding available for wildland fire suppression operations.

Section 4 updates the Civil Service Retirement System and the Federal Employees Retirement System to allow wildland firefighters to retain enhanced early retirement benefits following a duty-related injury. The Administration has not developed a position on this proposal. We look forward to working with the Committee and bill sponsor on these ideas as the Administration's position develops.

Conclusion

The Forest Service is committed to keeping our communities and firefighters safe as fire seasons grow into fire years and wildland fires become more severe. The dedication, bravery, and professional integrity of our firefighters and support personnel is second to none. As an Agency, our emergency response responsibilities have evolved to a much larger scale than was envisioned when they were developed decades ago. Our organizational systems, which address capacity including appropriate staffing, pay, and workload management, and provide for recovery time and support systems around behavioral health, have not evolved to meet the needs of our employees. To better understand the challenges, identify the right solutions, and avoid unintended consequences, we are convening employee groups to better identify the stressors and challenges in the system to help design our approach. These are long-standing and complex issues. As the Administration develops its strategy for wildland firefighters, we look forward to working with the Committee to develop solid solutions that will have lasting benefits.