

TESTIMONY OF KELLY MARTIN
BEFORE THE COMMITTEE ON NATURAL RESOURCES
Subcommittee on National Parks, Forests, and Public Lands
U.S. HOUSE OF REPRESENTATIVES
ON
WILDLAND FIREFIGHTING WORKFORCE REFORMS
October 27, 2021

OPENING STATEMENT:

Chairman Neguse, Ranking Member Fulcher, and members of the committee, my name is Kelly Martin and I am the current President of Grassroots Wildland Firefighters. I was requested to appear before you today to help support and advocate for long overdue legislative reforms urgently needed for our federal wildland fire workforce. Our federal wildland fire workforce includes firefighters who work for the Department of Agriculture, US Forest Service and Department of Interior, Bureau of Indian Affairs, US Fish and Wildlife Service, Bureau of Land Management, and the National Park Service.

I have over 35 years of distinguished federal service to the American public as a wildland firefighter. For the better part of my adult life, I have worked for both the US Forest Service and the National Park Service in seven different states. The last 14 years of my federal employment I was the Chief of Fire and Aviation at Yosemite National Park.

Prior to my retirement I found it extremely difficult to recommend changes for workforce reforms for the benefit of federal wildland firefighters due to fear of reprisal, or conflict with upper-level management. Recommending vast changes, like what is presented to you in this bill has potential unintended consequences to current federal employee's career; a compelling reason why so many federal wildland firefighters who support our efforts wish to remain anonymous. These fears are real and prevent well intended individuals from speaking up.

Our grassroots organization was formed by a common bond; we are all current or former federal wildland firefighters. We believe our expert, frontline experience provides unique expertise to help best inform elected officials, reporters, and senior agency leaders. Our core value is to remain open and positive to all comments and criticisms and to directly engage with members of congress and senior agency leadership when current and future reforms impacting the wildland firefighters are considered.

These reforms have come about due to years of oppressive entry level wages often below minimum wage in many states; up to 30% higher than average suicide rates; 30% higher than average increase in cardiovascular disease; and a 43% higher than average increase in lung cancer. Something must give...these harmful physical and mental burdens can longer be borne by our first responder federal wildland firefighters. It is the duty of our federal wildland fire agencies to weave these reforms into a safety net for our current and future federal wildland fire workforce. Their lives depend upon your actions.

Why are we here today and why should we care?

The recent notoriety of wildland firefighter's misclassification as forestry technicians; entry level pay starting at \$13.45 an hour; lack of benefits afforded to other federal, state, and municipal agency firefighters; lack of access to mental health resources; and homeless wildland firefighters sleeping in their truck or in campgrounds is why we are here today.

These last 2 fire seasons just gave us a glimpse through the window on what is to come. Our workforce is not prepared for the unrelenting political and social demand for a safe, effective, and efficient federal

wildfire response to say nothing of the workforce that will be needed to increase landscape treatments. We are in a race to the bottom if we leave here today accepting the status quo. The current and future demand for young, up-and-coming employees with operational field experience for mid and upper-level incident management teams and agency leadership positions could not be greater. The consequences of inaction are clear.

The resignation of just one federal wildland firefighter represents a significant financial and institutional knowledge loss to the taxpayers. Competition from outside the federal government comes from state and municipal fire departments and private industry. After relentless fire seasons during the last decade, federal wildland firefighters are exiting federal service in greater numbers than ever before for predictable living wages, greater benefits afforded most other fire agencies and access to physical and mental health support resources unique to firefighters. Along with their exit leaves a painful gap of institutional knowledge and leadership that cannot be easily replaced in a short period of time. This is not just a normal 'leakage' of top talent anymore. The high attrition rate of federal wildland firefighters is a dire warning sign deserving of congressional oversight.

It is not without note, that many women and men who have devoted their life work to public service, me included, used to take great pride working for our federal wildland fire agencies in an honorable and noble profession. Grassroots Wildland Firefighters are actively collaborating with elected officials and agency leadership to help reverse these downward trends and bring about real and lasting reforms for the next 50 years.

Grassroots Wildland Firefighters commends this house subcommittee for this proposed legislation as sponsored by Chairman Joe Neguse and cosponsored by Representatives Cheney, Porter and Carbajal. We are hopeful many more representatives will support this bill in becoming law. We stand ready to provide committee members with professional and technical guidance to help refine and enhance these proposed reforms. All of us at Grassroots Wildland Firefighters, are enthusiastic this vital legislation begins our transition into a modern workforce. We owe this monumental legislative effort to the memory of Tim Hart and many other federal wildland firefighters who have made the ultimate sacrifice or have become permanently disabled in the line of duty serving as a wildland firefighter. I am grateful Michelle Hart, Tim's wife, is here with us today to witness this hearing. On behalf of thousands of federal wildland firefighters who risk their lives day after day, year after year to protect life, property, natural, and cultural resources of our public lands, we are beyond grateful for this opportunity to testify before you today.

Mr. Chairman, Ranking Member Westerman, and members of this committee, this completes my opening statement. I am happy to answer questions you may have.

SECTION 1 – “TIM HART WILDLAND FIREFIGHTER CLASSIFICATION AND PAY PARITY ACT” OR “TIM’S ACT”

CURRENT CHALLENGES: The “Forestry Technician” job series for federal wildland firefighters was selected by the Office of Personnel Management 50 years ago to provide career ladder opportunities for federal wildland firefighters. Our current job series as a General Schedule Forestry Technician is outdated and does not begin to address the contemporary environmental, political, and social demands of a federal wildland firefighter.

FUTURE OPPORTUNITIES: The future of a robust federal wildland firefighter workforce will require multiple systemic revisions to meet our outpaced demand for safe and effective wildfire response. There is substantial political and social necessity for trained, experienced, and qualified wildland firefighters to meet the yearly increasing demands of wildland fire management. Wildland firefighters are the federal government’s frontline, first responders for regional and national wildfire response. They should be professionally recognized for this high risk and high consequence profession as firefighters. Work with Office of Personnel Management to Develop a Wildland Fire job series which will include raising the current entry level wage from \$13.45 an hour to a minimum of \$20.00 an hour beginning in 2022.

During the 90’s, only 16% of the USFS budget went to fire suppression, a relatively minor budget factor for the 5 federal wildland fire agencies; suffice to say the *Forestry Technician* position description fit the demands of the job at that time. Fast forward 30 years and the job of a wildland firefighter and the political and social demand has changed exponentially during my career. Decades of aggressive fire suppression, unrestrained wildland urban interface development and climate change all have a widespread impact on our ability to meet the current and future wildland fire response. Extended droughts, hotter, drier longer summers are becoming much more extreme and require a federal fire response on a year-round basis in many parts of the county

The wildland fire program has shifted quite dramatically to years rather than seasons. This change is most notable in the last 10 years. Crews and mid-level managers are spending, on average, 120 days on fires (6 deployments includes travel and days off) out of 261 actual workdays (minus weekends, holidays, annual etc.,). Given this year-round engagement with wildfires, how much ‘resource management’ can be completed by our federal agencies? The demand for non-fire personnel to support Incident Management Teams (IMT) is a constant battle to provide home unit leadership as well as critical IMT participation.

The Forestry Technician job series was implemented to avoid over specialization of the workforce and maintain mission alignment as a land management agency. However, in an era of multi-billion-dollar wildfire seasons, land management agencies have strayed far from that ideal. This comes at the detriment to both fire personnel who feel under-compensated and the essential non-fire federal land management project areas that still need access to an adequate workforce not constantly preoccupied with fire suppression, hazardous fuels reduction, and off-season fire specific training.

The five federal fire organizations have similar qualifications and standards for firefighters but there are discrepancies in qualifications for personnel transferring or promoting from one agency to another. Implementation of activities outside of the wildfire response program, further impacts coordination and collaboration of cross boundary vegetation treatments to protect our communities and highly valued

resources. These differences in the agency missions make it extremely difficult and cumbersome to share resources when full suppression response isn't the desired initial response action.

Ideally during periods of low fire risk, federal wildland firefighters will still serve an important role in the accomplishment of their agency's mission by performing non-suppression land management tasks. This crossover is often cited by suppression personnel as a highly rewarding element of their job.

Unfortunately, as fire seasons become more demanding on all fronts, the ability for program integration is made more and more difficult. The inability of federal firefighters to contribute elsewhere is exacerbated even more by current retention issues and vacancy rates. The four pillars being offered by Grassroots Wildland Firefighters serve to reconcile the dynamic tension of the Forestry Technicians and the land management agencies that employ them. By accurately classifying federal fire personnel and compensating them adequately, we achieve the goal of increasing employee retention and reducing vacancy rates. Implementation of these pillars would allow federal firefighters to continue to contribute to a role that goes beyond just fire suppression, a role many take great pride in. A role best accomplished by both accurately identified federal firefighters, and an expanded land management workforce staffed by employees who are not continually obligated to fire management specific objectives.

SECTION 2: FEDERAL WILDLAND FIREFIGHTER OCCUPATIONAL SERIES, PAY AND RECRUITMENT AND RETENTION

(a) OCCUPATIONAL SERIES

Current Condition: Most primary covered federal wildland fire positions are classified as “forestry and/or range technicians”. There have been numerous failed attempts to reclassify these positions to reflect true duties of wildland firefighting which is very different than a forestry technician. The Office of Personnel Management has been resistant to working with the federal land management agencies to establish a single job series to address the unique training, qualifications, and experiences of a federal wildland firefighter. A new wildland fire family job series, competitive wages and benefits will need to go hand-in-hand. Transitioning “forestry technicians” to “wildland firefighters” will do little to stem current attrition rates without an increase in pay and benefits and will do little to recruit future federal wildland firefighters.

Future Opportunities: The Office of Personnel Management along with our federal land management for the first time, has an opportunity to adequately identify current and future knowledge, skills, and abilities paramount to federal wildland fire management. This definitive job series is not unlike federal structure fire departments who hire ‘firefighters’ to work as inspectors, investigators, training coordinators and chiefs in addition to the federal law enforcement programs who hire people to work as officers, investigators, detectives and support staff. Federal wildland fire management Hire to Retire career progression is unnecessarily complicated and protracted. It takes longer to become a Type 1 Incident Commander than it does to become a brain surgeon.

(b) PAY

Current Condition: Entry level federal wildland firefighters hired as a GS-3 to a GS-6 has failed to maintain competitive wage and benefit compensation with other like/kind agencies responding to wildland fires. The inability of the federal land management agencies to

recruit, retain and promote quality employees due to low pay is a safety concern for the next generation of wildland firefighters as well as for our communities who rely on years of experience and qualifications to make critical risk-based decisions to protect life and property. This leakage of talent has the unintended consequence of lowering the experience and qualification level of the overall federal wildland firefighter workforce at a critical time when MORE experience and qualifications is demanded as part of a professional and robust federal wildfire response.

Future Opportunities: A General Schedule GS-6 step 3 starts at \$20.09 which is a 50% increase in starting base wages of a GS-3 at \$13.45 an hour. All entry level federal wildland firefighters should be expected to enter on duty in 2022 with a minimum hourly base rate of \$20 per hour. Further subject matter expertise will be needed to determine successive grade/wage increases above the entry level firefighter.

A very welcome addition to this bill includes the payment of hazardous duty pay for conducting prescribed fires. This will help increase the parity of pay between suppression operations and fuels management. Prescribed fire can be just as dangerous as suppression operations as firefighters have been seriously injured and killed conducting prescribed fire operations.

(c) WORK SCHEDULES

Current Condition: Many municipal, state, and other federal firefighters are compensated for base and overtime wages from initial call through return to station and refurbishing of equipment. Currently, federal wildland firefighters deployed to a wildfire assignment is only compensated for 8 hours of base time and a maximum of 8 hours of overtime. (unless life and property are threatened, then the Incident Commander can approve exceeding this mandatory 2:1 work to rest requirement only until firefighters can reset their rest period). When working on an uncontrolled wildfire, federal wildland firefighters are also paid hazard pay of 25% of their base salary for total time worked (16 hours per day maximum). This federal requirement to work no more than 2 hours with 1 hour rest is a perverse financial incentive for federal wildland firefighters to work the entire 16-hour day, every day, every week throughout the fire season. The federal work/rest requirements, in practice, are often not met. Cumulative fatigue can build up fast especially on rapidly emerging wildfire incidents threatening communities. Everyone becomes dedicated 24/7 especially during National Planning level 5 when additional and replacement resources are scarce or non-existent. Official timesheets will technically only show no more than 16 hours of work a day. Portal-to-Portal pay would help minimize these complications and frustrations with crews and time recorders.

Future Opportunities: Portal-to-Portal pay will greatly simplify time accounting and federal payroll accountability. This will also eliminate the conflict with posting “meal breaks” when working on wildfires. It is undetermined at this time how wages under this reform recommendation will be calculated. One example could be a GS-7/1 base rate is \$20.93 (8 hours) and OT rate is \$31.40 (16 hours). Under this example the additional cost per person per day is roughly \$167.00. Hazard pay would be eliminated for employees

classified as wildland firefighters in this situation as part of these reforms. Hazard pay would continue to be paid to supplemental firefighters supporting wildland fires.

(d) OTHER MATTERS

Current Condition: Aside from the FMLA, employees have little options to extend leave to care for a family member with serious health conditions or care for a newborn child for an extended period. Firefighters have found themselves in untenable situations where they must resign their positions because they have exhausted all leave opportunities. A more problematic antiquated policy is the “3-day break in service”. This is a little-known personnel action that will negatively affect earned retirement benefits if an employee resigns and does not return to a covered position in 3 days or less. Federal wildland firefighters who have requested reinstatement of their earned benefits through the Office of Personnel Management have been denied time and time again. The Office of Personnel Management should resend this esoteric policy to retain and promote more working women and men firefighters in mid and senior leadership positions when they decide to return to wildland firefighting after raising children. There are disturbing stories of women firefighters in the prime of their career who had high operational qualifications within the organization and were forced to make a choice to maintain qualifications or nurse and care for their infant. As an outstanding leader in the federal organization, she walked away from those high-level qualifications to care for her child at the prime of her career having to forgo fire assignments which eventually resulted in expired qualifications.

Housing Stipend: Due to the high cost and lack of available housing in many parts of the country, wildland firefighters find themselves in homeless situations, camping in their pickup trucks or cars or in crowded, noisy campgrounds.

Future Opportunities:

Offering employees the option to extend their leave for up to 180 days of unpaid leave (Leave without Pay) without having to resign their jobs is a very valuable benefit that could alleviate an agonizing decision to resign. The ability to take unpaid leave will assure employees have a job when they return. This is a workplace benefit that can help provide a retention incentive; knowing this safety net exists for extenuating health circumstances affecting immediate family members.

Also, if the 3-day break in service rule is rescinded, federal wildland firefighters will have the ability to return to federal wildland fire service after a resignation and continue with their federal wildland fire career where they left off, knowing they did not lose their previous service time or deposits.

Should pay raises take effect, the need for recruitment and retention bonus is negated.

Given the high cost of housing (rent and purchasing) in many desirable locations, the ability for the employers to pay for Transfer of Station (TOS) costs or Personnel Change of Station (PCS) should be reinstated for all federal employees. This includes moving costs and the sale (old duty station) and purchase of a home (new duty station). Many

firefighters cannot 'afford' to transfer or promote if they must pay for closing costs at the old and new duty station and must pay for transportation of household goods.

A housing allowance to help offset the sky-rocking prices of scarce rental units will help ensure wildland firefighters have a safe and secure place to rest and recuperate after relentless arduous wildfire assignments.

Offering firefighters the ability to transition out of wildland firefighting into other career fields can help stem burnout and resignations and bolster agencies efforts to retain quality employees.

SECTION 3. HEALTH PROVISIONS

(a) DATABASE; RECOMMENDATIONS

Current Condition: Currently no database exists for federal wildland firefighters. This is a standard throughout most of not all other firefighting agencies and was enacted by congress [Ref H.R.931 - Firefighter Cancer Registry Act of 2018 became Public Law Public Law 115-194 115th Congress](#). To the best of our understanding this PL includes all structural firefighters. This database may have inadvertently overlooked “forestry technicians” whose primary job is an emergency responder “wildland firefighter”

Future Opportunities: Amend PL 115-194 to include federal wildland firefighters in the [National Firefighter Registry](#). to track incidents of cancers experienced by wildland firefighters. There is also an unmet need to establish a database and subsequent safety recommendations to address fatal heart attacks and other cardiovascular disease experienced by current and former wildland firefighters.

**[Wildland firefighter smoke exposure and risk of lung cancer and cardiovascular disease mortality](#)

(b) MENTAL HEALTH

Current Condition: Minimal programs exist to support the unique mental health needs which wildland firefighters face on an almost daily basis. The National Wildland Fire Coordinating Group has a Subcommittee devoted to [Mental Health Awareness](#). Significant issues such as PTSD as a recognized work-related injury and intervention resources have remained elusive at best. Wildland firefighters have stated that the Department of Labor has denied claims and benefits to people who are suffering due to traumatic experiences such as a death of a co-worker or near miss job related accidents and injuries such as burn-over, motor vehicle accidents and rollovers, and injuries from falling snags and rocks to name a few.

Future Opportunities:

Federal agencies to help educate the Workman's Compensation Program Managers on the unique needs associated with accidents and injuries sustained by wildland firefighters and work to support their claims process with the Department of Labor.

All the federal agencies have some form of Employee Assistance Program. In the future, these programs will have uniquely trained people and programs specifically trained in wildland firefighter support.

Mental Health Leave will allow firefighters the ability to take leave at a time when physical and mental exhaustion can take a toll on one's safety and the safety of their team.

(c) COORDINATION

As the needs continue for specialized training and counselling in mental health, partnerships with organizations outside the federal government are a welcome addition to help meet this ever increasing demand.

(d) WORKERS' COMPENSATION PRESUMPTION RELATING TO FEDERAL WILDLAND FIREFIGHTER

Current Conditions: There is limited to inconsistent support for diseases to be presumed proximate to the job of a federal wildland firefighter even though there are documented human health impacts to firefighters involved in wildland firefighting and prescribed burning.

Future Opportunities: Provide a formal recognition that long term exposure and risks associated with wildland firefighting carries with it an increase of disability and premature death

SEC. 4 RETIREMENT FOR FIREFIGHTERS

(a) CONTINUATION OF FIREFIGHTERS PENSION COVERAGE IN CASE OF DISABILITY

Current Conditions: Wildland Firefighters are not able to retain the earned enhanced retirement benefits if they are hurt or injured due to an on-the-job injury. They are often placed in non-firefighting jobs and lose their additional deductions they contributed to their retirement. The additional contributions provided the employee and the employer deposited prior to the disability are not returned to the employee

Future Opportunities: If a federal wildland firefighter is hurt or injured due to a work-related injury due to no fault of their own, the employee should retain the option of retiring within the timeframe they decided when they entered their wildland fire job. Employees reassigned to a non-covered position should not be forced to work many additional years beyond their chosen retirement date, due to an on-the-job injury. If federal wildland firefighters were unable to return to a primary or secondary federal wildland fire position,

the employee should have the ability to retire on their desired retirement date with an enhanced annuity. Employees shall have the option to continue to provide enhanced deductions as if they were still in a primary or secondary job.

(b) DEPOST SERVICE

Current Conditions: Under current FERS retirement benefits, federal wildland firefighters are unable to include their temporary seasonal time as creditable service for retirement calculations. This policy changed and was discontinued when FERS replaced CSRS.

Future Opportunities: Provide the option for federal wildland firefighters to deposit funds or “buy back” their temporary seasonal time (to 1989) to be included as part of their retirement calculation. Too often temp seasonal employees will work 10 or more years (no more than 6 months of actual work time in a single year) before they obtain a permanent job. Upon entry into a career or career conditional appointment, the employee may elect to “buy back” this lost time that could have otherwise been used for retirement calculations.

(c) DISABILITY ANNUITY

Current Conditions: There are very few, if any, documented environmental job-related disability claims due to environmental exposure to smoke inhalation, silicate inhalation and firefighting chemical exposure as the proximal cause of a disability of a wildland firefighter.

Future Opportunities: The full extent of environmental related disabilities due to wildland firefighting is not fully known. Additional research in this area is needed and could become part of the Health Provision Database.

(d) INCLUDING OVERTIME AS BASIC PAY

Current Conditions: Overtime is not considered as part of the “high 3” retirement calculations for federal wildland firefighters. Premium pay is often included for retirement calculations for federal structural firefighters such as stand by time, administratively uncontrollable overtime, but excludes forestry technicians whose primary duty is that of a wildland firefighter.

Future Opportunities: Consider earned overtime as part of the employee’s retirement calculation. Since overtime can be uneven and sporadic, allow the “high 3 salary” any year during the employee’s career, not just 3 consecutive years.

SEC.5 PAY PARITY FOR FEDERAL STRUCTURAL FIREFIGHTER

Current Conditions: Many federal wildland firefighters have transferred into jobs as federal structural firefighters. Federal wildland firefighters cite higher entry level wages than that of wildland firefighting; shift work which will allow for an enhanced quality of life since there are additional structural firefighters to cover the workload demands; and premium pay that can be included in retirement calculations. Federal wildland firefighters, not unlike federal structural firefighters, also have similar training requirements that are paramount to the duties of the job. Wildland firefighters are required to obtain prerequisite training and qualification before they are eligible for promotion opportunities. In-place career ladder promotion opportunities are more readily

available to federal structural firefighters. Wildland firefighters often enter jobs at one grade increments making promotions in-place uncommon and rare. Year after year, wildland firefighters continue to gain tremendous experience and qualifications which adds to our agency fire management leadership, yet few are compensated for this value unless they apply for promotions often uprooting their family for an ever so slight gain in compensation. Structural firefighters often enter jobs as multiple grades and are often promoted in-place when they achieve additional qualifications and experience.

(b) FEDERAL STRUCTURAL FIREFIGHTER DEFINED.—In this section, the term “Federal structural firefighter”—

(1) has the meaning given the term “firefighter” in section 8401 of chapter 84 of title 5, United States Code; and

(2) does not include any Federal wildland fire fighter.

****Title 5, Chapter 84, Section 8401 (14) (i) (ii) does not differentiate between a structural firefighter and a wildland firefighter**

Future Opportunities: Pay and benefits parity between federal structural and federal wildland firefighters is difficult to examine at this point due to disparities in shift lengths, premium pay for standby time, overtime, all of which is included as part the retirement calculation for federal structural firefighters. The value of benefits and work/life balance is often cited as the reason federal wildland firefighters transfer to other federal fire agencies. There is also a disparate amount of time a wildland firefighter is considered actively engaged in an emergency response event. It is not unheard of for wildland firefighters to remain committed and immersed in emergency wildfire events for upwards of 2000 hours a year, year after year. Further research is needed to better understand the total hours federal structural firefighters are engaged in active emergency response situations such as structural fires, EMS calls, motor vehicle accidents and HazMat response.

WHAT IS NOT IN THIS BILL THAT SHOULD RECEIVE ADDITIONAL SCRUTINY

An OPM requirement for positive education in the field of Natural Resource Management. Managing a Federal Wildland Fire Management program at a Unit, Regional or National level should also include the ability to accept bachelor’s degrees in business management, safety and risk management, public land management, psychology, and sociology just to name a few. Too many highly qualified federal wildland firefighters have been disqualified for temporary detail assignments and promotions due to inconsistent and individual personnel practices and interpretation of policy. This is having a chilling effect on high performance employees who find themselves unable to promote due to onerous human resource management interpretation

Limited and lack of career ladder and developmental job announcements. One grade interval job announcement for federal wildland firefighters is the norm. After a couple of years of gaining significant training, experience and qualifications, federal wildland firefighters have limited choices for in-place advancements and are consequently forced to transfer, uprooting families and dual careers for a single

grade promotion. Career ladder positions descriptions and developmental job opportunities should become the new normal for recruitment and promotion of federal wildland firefighters.

Expanded workforce, to include local, state, and nonprofit partners to support future wildfire response not only to protect life and property, but to expand the workforce and add jobs to rural communities in support of fuels management, prescribed fire and to develop and train local teams to manage local wildfires.

Establish a national “Reservist Program” which seeks to “call back” retired federal wildland firefighters to help with ‘surge capacity needs’ during National Planning levels 4 and 5.