



Date: February 8, 2010

To Whom it may Concern:

Re: HR 4488- National Wildfire Infrastructure Improvement and Cost Containment Act

The National Wildfire Suppression Association represents over 250 Professional Private Wildland Firefighting Companies across the United States, and a work force of over 12,000 professionally trained firefighters.

We respectfully to submit for your consideration our concerns regarding language in HR 4488, the National Infrastructure Improvement and Cost Containment Act.

If we can answer any questions, or provide any information in your review of this bill and our comments please feel free to contact us.

Sincerely,

Deborah K Miley

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White Paper HR 4488

The National Wildfire Suppression Association (NWSA) was organized since 1991 and currently represents over 250 contractors with six chapters throughout the United States. Our members provide up to 12,000 professionally trained firefighters. We work on an as needed basis when federal resources have been exhausted. In addition, it has affiliate members including the Northwest Contract Firefighters Association, the Oregon Firefighting Contractors Association, the Northern Rockies Wildfire Contractors Association, and the National Shower & Catering Association.

NWSA's members provide multiple wildfire resources including; 20 person crews, Wildland fire engines, water tenders, showering units, catering units, tree fallers, dozers, communications trailers and other resources to help battle wildfires across the United States. NWSA members have also been used by the Homeland Security Administration for other national emergencies such as the Shuttle Recovery, hurricane clean up and other disaster relief.

On Major concern with HR4488 as introduced is the language that lumps all non-federal wildland firefighting resources and portrays these resources as more costly as well as unnecessary. The misleading language begins in the preamble which talks about the "more costly services of non-Federal wildfire resources." NWSA and its members have never viewed Professional private fire resources as a replacement for Federal resources. Instead we have always viewed ourselves as complimentary and an integral part of the wildland firefighting community.

We have offered to work with the bill's sponsoring organization to craft amendment language to address our concerns of the negative tone the bill has toward non-federal resources in general and the private sector in particular.

Regarding other features of the bill as introduced, NWSA has the following comments:

Section 3. Findings. NWSA agrees that there have been significant losses of Federal wildland firefighters and this is particularly acute in certain critical positions. This problem has been ongoing since the late 1980's in an era of shrinking agency budgets and loss of timber revenue.

NWSA disagrees with the Finding in paragraph (4) that says Federal wildland firefighting resources are inherently less costly than the use of non-Federal resources. Specifically, "non-Federal resources" can encompass state, local, rural fire agencies as well as the professional private fire services. This is a gross generalization that does not have any conclusive studies to support it. The primary reason it's hard to make an apples-to-apples comparison is the difficulty

in accounting for all the costs associated with Federal firefighters—for example the administrative, overhead, training, disruption from work, and other costs. All these costs are included when the private sector is analyzed.

NWSA agrees with the Findings in paragraphs (5) and (6).

Section 4. Mandatory separation. NWSA has no position on this.

Section 5. Equal protection under the law from outsourcing. (a) Purpose—NWSA questions whether federal land management agencies should be in Title 10 U.S.C..

Finding (2)—again, NWSA does not believe there are conclusive studies to support this finding.

Finding (5)—the quote attributed to former Under Secretary of Agriculture Mark Rey is not from any testimony or official statement. Thus there is no way to substantiate this or to put it in context.

(c)(1)—again, should these departments be added to Title 10 U.S.C.? Furthermore, why has the bill to this point been about Federal land management agencies and their wildland firefighters and now with this paragraph the scope is significantly expanded to include all federal departments that employ firefighters—not just wildland firefighters?

(c)(1)(A) and (B)—this amendment language raises serious questions about the future ability of the federal land management agencies to utilize non-federal wildland firefighting resources in the event that all federal resources are deployed. This amendment language would expressly prohibit contracting any such services “where the services of Federal firefighters” are required or requested. In some bad fire seasons, federal resources are fully deployed or on rest rotation which is when the non-federal resources are critical. If this amendment language were to be enacted, it could severely restrict the federal agencies from maintaining suppression activities. It’s also not clear how this language would affect federal agencies’ ability to contract aerial resources, kitchens, showers, and other types of resources.

Section 6. Classification of wildland firefighters—NWSA has no position on this.

Section 7. Pay and benefits—NWSA has no position on what the pay and benefits should be for federal employees. But we do take exception to Finding (2) that again over-generalizes non-Federal resources. NWSA wants to make it very clear that the private sector has never been nor wishes to be paid portal-to-portal.

(C) Funding—NWSA opposes lines 4 through 9 that says if the \$25 million authorized by this bill if passed is insufficient to cover the costs of the pilot program, then the additional funds may be taken from other agency accounts for suppression which may include the FLAME account.

(E) Report—NWSA believes if this Portal-to-Portal pilot program is implemented, the reporting frequency should be annually. In addition, the reporting requirements should be more specific on how to measure the program’s efficacy. Simply reporting the recruitment and retention of wildland firefighters is not enough because it would be next to impossible to attribute that to the

pilot program. In addition, to simply report cost savings is insufficient. The bill needs to state how and what costs would be measured (again to provide an apples-to-apples comparison) and what the benchmark cost is to measure against.

(F) Additional requirements—Is this a position Congress wants to put the agencies in—that is arbitrarily limit their ability to utilize resources as conditions warrant? Earlier in the bill some findings state that the “Most Efficient Level (MEL)” is not being met and critical fire positions are unfilled. We agree with those findings and question the rationale for exacerbating a bad situation with these additional restrictions. Last, the two years in the bill are not a good representation of a long-term average.

Section 8. Firefighter liability—NWSA has no position on this.

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