

# Congress of the United States

Washington, DC 20515

October 27, 2021

The Honorable Thomas J. Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

The Honorable Debra Haaland  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Vilsack and Secretary Haaland,

As of October 15, 2021, almost 6.5 million acres in the United States burned from more than 47,000 wildfires since the beginning of the year.<sup>1</sup> The Forest Service (FS) is responsible for wildfire management and response for 193 million acres of the National Forest System (NFS) while the Department of the Interior (DOI) manages response for more than 400 million acres of public land.<sup>2</sup> These 593 million federal acres have 14,500 Department of Agriculture (USDA) and 5,000 DOI wildland firefighters<sup>3</sup> dedicated to protecting our federal lands.

In their roles, these federal wildland firefighters also coordinate emergency responses with state, local, and tribal partners, and are the tip of the spear to combat ongoing wildfire threats. As President Joe Biden stated earlier this year, “we’ve got to be prepared and have every resource available to make sure we’re there for the American people.”<sup>4</sup> The full availability of these federal firefighters is imperative to the health and safety of our federal lands and the communities near those lands. Therefore, we seek to assess the consequences of President Biden’s recent vaccination mandates on the staffing of USDA and DOI wildland firefighters.

Due in large part to decades of inadequate forest management, wildfire seasons now last year-round and put increasingly significant strains on our federal wildland firefighters and firefighting resources. This year, the United States spent more consecutive days at the highest wildfire preparedness level, Preparedness Level 5,<sup>5</sup> than in any other year.<sup>6</sup> According to FS Chief Randy Moore, firefighting resources are already stretched to the limit and the agency continually struggles to recruit and retain new firefighters.<sup>7</sup> The Biden Administration’s policies

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<sup>1</sup> Daily Statistics, NATIONAL INTERAGENCY FIRE CENTER, <https://www.nifc.gov/fire-information/nfn> (last visited Oct. 15, 2021).

<sup>2</sup> Katie Hoover & Laura A. Hanson, *Wildfire Statistics*, CONGRESSIONAL RESEARCH SERVICE (Oct. 4, 2021), <https://www.crs.gov/reports/pdf/1F10244>.

<sup>3</sup> Press Release, U.S. DEP’T OF THE INTERIOR, *Secretaries Haaland and Vilsack Announce Implementation of New Pay Initiatives for Wildland Firefighters* (Aug. 17, 2021) <https://www.doi.gov/pressreleases/secretaries-haaland-and-vilsack-announce-implementation-new-pay-initiatives-wildland>.

<sup>4</sup> Alicia Victoria Lozano, *Biden Promises to End “Ridiculously Low Salary” for Federal Firefighters* NBC NEWS (June 23, 2021), <https://www.nbcnews.com/politics/white-house/biden-promises-end-ridiculously-low-salary-federal-firefighters-n1272204>.

<sup>5</sup> National Wildland Fire Preparedness Levels, NATIONAL INTERAGENCY FIRE CENTER, [https://www.nifc.gov/sites/default/files/2020-09/National\\_Preparedness\\_Levels.pdf](https://www.nifc.gov/sites/default/files/2020-09/National_Preparedness_Levels.pdf) (last visited Oct. 15, 2021).

<sup>6</sup> *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).

<sup>7</sup> *Id.*

forcing our wildland firefighters, who professionally risk their lives, to choose between their livelihood and their own personal health decision is therefore counterintuitive to ensuring necessary recruitment and retention.

Rather than allowing federal employees to consult with their doctor to determine appropriate medical actions, President Biden mandated that federal employees<sup>8</sup> and contractors receive COVID-19 vaccinations.<sup>9</sup> Federal employees must be fully vaccinated by November 22, 2021,<sup>10</sup> and federal contractors must be fully vaccinated by December 8, 2021.<sup>11</sup> Employees not in compliance with this requirement will face consequences, including termination of employment.<sup>12</sup>

Several federal employee advocacy groups criticized President Biden's vaccine mandate as misguided and an inappropriate overreach.<sup>13</sup> For example, the Federal Law Enforcement Officers Association opposed the mandate and encouraged its members to seek individual medical advice about vaccinations.<sup>14</sup> Numerous Members of Congress also urged President Biden to reconsider the mandate.<sup>15</sup> Similar vaccination mandates at state and local levels received negative reactions, particularly from firefighters.<sup>16</sup> Across the country, essential employees left the workforce because of COVID-19 vaccination mandates.<sup>17</sup>

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<sup>8</sup> Exec. Order No. 14043 86 Fed. Reg. 175, 50989 (Sept. 9, 2021).

<sup>9</sup> Exec. Order No. 14042 86 Fed. Reg. 175, 50985 (Sept. 9, 2021).

<sup>10</sup> SAFER FED. WORKFORCE TASK FORCE, *COVID-19 Workplace Safety: Agency Model Safety Principles* (Sept. 13, 2021).

<sup>11</sup> SAFER FED. WORKFORCE TASK FORCE, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* (Sept. 24, 2021).

<sup>12</sup> 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>.

<sup>13</sup> Nicole Ogrysko, *Biden Will Now Require Vaccines For All Federal Employees Via New Executive Order*, FED. NEWS NETWORK (Sept. 9, 2021), <https://federalnewsnetwork.com/workforce/2021/09/biden-will-now-require-vaccines-for-all-federal-employees-via-new-executive-order/>.

<sup>14</sup> *Id.*

<sup>15</sup> *E.g.*, Letter from Rep. Bruce Westerman, Ranking Member, H. Comm. on Nat. Resources, to Hon. Joseph R. Biden, President of the U.S. (Oct. 12, 2021) (on file with author); Letter from Rep. Jeff Duncan et. al, to Hon. Joseph R. Biden, President of the U.S. (Sept. 30, 2021) (on file with author).

<sup>16</sup> *See* Delia Goncalves, *DC Firefighters Push Back Against Mayor's Vaccine Mandate*, WUSA9 (Sept. 7, 2021), <https://www.wusa9.com/article/news/local/dc-firefighters-push-back-against-mayors-vaccine-mandate-and-ask-for-compromise/65-cb03cef1-d3e4-4414-aaf4-b0848c656bb3>; Molly Duerig, *More Than 2 Dozen Orange County Firefighters Come Out Against COVID-19 Vaccine Mandate*, BAY NEWS 9 (Aug. 31, 2021), <https://www.baynews9.com/fl/tampa/news/2021/08/31/orange-county-firefighters-oppose-vaccine-mandate>.

<sup>17</sup> *See, e.g.*, Jonathan Franklin, *Dozens of Massachusetts State Police Have Resigned Over A Vaccine Mandate, Union Says*, NPR (Sept. 27, 2021), <https://www.npr.org/sections/coronavirus-live-updates/2021/09/27/1040961594/massachusetts-state-police-resign-covid-vaccine>; Joe Fisher & Kasey Cunningham, *Dozens of UNC Health Workers Quit Over Vaccine Mandate*, WRAL (Sept. 21, 2021), <https://www.wral.com/coronavirus/dozens-of-unc-health-workers-quit-over-vaccine-mandate/19886823/>; Rachel Treisman, *New York May Use The National Guard to Replace Unvaccinated Health Care Workers*, NPR (Sept. 26, 2021) <https://www.npr.org/2021/09/26/1040780961/new-york-health-care-worker-vaccine-mandate-staffing-shortages-national-guard>.

Due to these trends, we are concerned the COVID-19 vaccine mandate for federal employees may adversely affect the number of wildland firefighters serving at USDA and DOI. Coupled with other factors contributing to the depletion of federal firefighter ranks<sup>18</sup> and the lack of management fueling longer, more severe wildfire seasons, President Biden's actions may exacerbate challenges in the ongoing effort to combat wildfires.

Additionally, many stakeholders are concerned about the vaccination mandate's harmful impact to federal contractors, specifically those completing critical forest management projects that are essential to reducing the risk and severity of catastrophic wildfires and improving forest health. We echo their concerns that the mandate is likely to disrupt work in rural America, ultimately jeopardizing wildfire prevention efforts and potentially endangering hundreds of communities at risk of destruction due to catastrophic wildfire.<sup>19</sup>

These trends also raise doubts about USDA's and DOI's ability to maintain the appropriate level of preparedness necessary to effectively respond to wildfire threats. President Biden's actions, however, ignore the reality of the unique environments in which wildland firefighters must work, and the efficacy of COVID-19 precautions. In Chief Moore's recent congressional testimony, he confirmed that "the Forest Service and our interagency partners have seen success with our COVID-19 prevention and mitigation measures."<sup>20</sup> Two weeks ago, the Mine Safety and Health Administration determined that the strength of existing mine worker protections are sufficient to not require COVID-19 vaccinations.<sup>21</sup> USDA and DOI should similarly examine the existing protections for federal wildland firefighters and contractors to determine if an exemption from the vaccination mandates is appropriate. At a minimum, the agencies must evaluate reasonable accommodations and alternatives to vaccinations, such as routine testing.

Understanding the adverse impact of President Biden's mandate on USDA's and DOI's federal wildland firefighter force is critical to assessing the federal government's ability to effectively manage and respond to wildfires. Therefore, to assist with our oversight activities, please produce the following, as soon as possible, but no later than 5:00 p.m., November 3, 2021:

1. A document sufficient to describe the estimated number of fully vaccinated federal wildland firefighters at your Department as of October 27, 2021.
2. A document sufficient to describe your Department's plan for employees and contractors who do not comply with President Biden's vaccination mandates.

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<sup>18</sup> Ximena Bustillo, *'They Get Really Jaded': Worker Defections Strain Feds' Wildfire Crews*, POLITICO (July 28, 2021), <https://www.politico.com/news/2021/07/28/they-get-really-jaded-worker-defections-strain-feds-wildfire-crews-501258>.

<sup>19</sup> Bill Gabbert, *Hundreds of small communities face a greater risk from wildfire than Paradise, California*, WILDFIRE TODAY (July 25, 2019), <https://wildfiretoday.com/2019/07/25/hundreds-of-small-communities-face-a-greater-risk-from-wildfire-than-paradise-california/>.

<sup>20</sup> *Supra* note 5.

<sup>21</sup> James Marshall, *Mining Agency Opts Out of Vaccine Mandate for Miners*, E&E NEWS (Sept. 30, 2020), <https://www.eenews.net/articles/mining-agency-opts-out-of-vaccine-mandate-for-miners/>.

3. All documents and communications, including, but not limited to, internal memoranda and e-mails, referring or relating to attrition concerns at your Department because of President Biden's vaccination mandates for federal employees and contractors.
4. All documents and communications referring or relating to the decision to implement vaccination mandates between January 20, 2021 and October 27, 2021.
5. A document sufficient to describe your Department's contingency plan to address the attrition of federal wildland firefighters and relevant contractors because of President Biden's vaccination mandates for federal employees and contractors.
6. A document sufficient to describe your Department's analysis of working conditions for both federal wildland firefighters and relevant contractors to assess the appropriateness of an exemption from President Biden's COVID-19 vaccination mandates.
7. All documents and communications referring or relating to the National Interagency Coordination Center's unfulfilled dispatching or mobilization requests of wildland firefighter crews, staff to assist wildland firefighters, and resources needed to combat wildfires between January 20, 2021 and October 27, 2021.

Please contact the House Natural Resources Oversight and Investigations Subcommittee Minority staff at (202) 225-7107 and the Senate Energy and Natural Resources Committee Minority staff at (202) 224-7875 with any questions about this request and to coordinate the delivery of your response to room 1329 of the Longworth House Office Building and room 310 of the Dirksen Senate Building.

An attachment contains additional instructions for responding to this request. Thank you for your prompt attention to this matter.