

**TESTIMONY  
FOR  
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH  
COMMITTEE ON RESOURCES**

**OVERSIGHT HEARING ON  
*FIREFIGHTING PREPAREDNESS: Are we ready for the  
2004 Wildfire season?***

**by**

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May 13, 2004**

Mr. Chairman, the Blue Ribbon Panel on Federal Aerial Firefighting supports the decision to stand down the aging air tanker fleet following issuance of the NTSB Safety Recommendation letter of April 24, 2004. We believe the USDA Forest Service and the Interior Agencies should accept the thrust of the NTSB recommendations. We have carefully reviewed the Recommendation Letter and find it closely parallels our report of December 2002.

In response to the 2002 fire season's fatal aircraft accidents, the Forest Service and the Bureau of Land Management (BLM) jointly established an independent, five member Blue Ribbon Commission to identify weaknesses and fail points in the current aviation program, focusing on safety, operational effectiveness, costs, sustainability, and strategic guidance. Within a 90-day period, the panel identified eight key *findings* that we believe to be critical for planning a safe and effective future firefighting aviation program.

**FINDING 1 – SAFETY**

The safety record of fixed-wing aircraft used in wildland fire management is unacceptable. The level of safety for both contractor and government aerial firefighting operations is lower than can be justified. The disparity in safety standards stems from a government contracting process that assumes the airworthiness of large air tanker has been assured by the FAA's type certification process.

## **FINDING 2 – NEW ENVIRONMENT, NEW RISKS**

Because the wildland environment has changed significantly, controlling wildland fires cannot be considered an auxiliary mission second to land management. Much of the nation has been subjected to prolonged and severe drought since 1996, which has created, in some areas, the worst fire danger experienced in more than 100 years. Massive fuel buildup has further added to the difficult challenge. Additionally, population growth across the nation into the wildland-urban interface has forced today's fire managers to contend with very complex issues and use entirely different options. The significance of aviation used in wildland firefighting has grown to a level of importance that warrants the attention of national leaders.

## **FINDING 3 – AIRCRAFT**

Under the current system of aircraft certification, contracting and operation, key elements of the aerial wildland firefighting fleet are unsustainable. Recent in-flight structural failures signaled the recurrence of a problem that has periodically plagued firefighting air tankers for half a century. This is the end of a third contracting cycle, which each culminated in accidents and crew fatalities. Private operators, for the most part have done an admirable job of keeping these aging aircraft flying, but FAA has essentially said, "It's public-use aircraft. You're on your own." Little data on the status of air tankers is available because damage-resistant voice and data recorders are not available, nor are they required by Forest Service or BLM policy. The absence of rigorous engineering analysis backed by flight test data and FAA review make it impossible to ensure aircraft airworthiness.

## **FINDING 4 – MISSION**

The variety of missions, philosophies and unclear standards of federal land management agencies creates a "mission muddle" that seriously compromises the safety and effectiveness of aviation in wildland fire management. The Panel felt that firefighting risks remain higher than necessary because the mission differences among agencies have not been recognized, reconciled and expressed as a common operations plan with clear lines of authority. As example, one obvious theme the Panel repeatedly heard was the lack of a clear, general understanding of the degree to which fire detection and initial attack are priorities.

## **FINDING 5 – CULTURE, ORGANIZATIONAL STRUCTURE, AND MANAGEMENT**

The culture, organizational structure and management of federal wildland fire management agencies are ill suited to conduct safe and effective aviation operations in the current environment. The apparent, but possibly illusory, reality that funding is never sufficient has bred a culture that accommodates risk in aerial firefighting activities. This has led to insufficient air tanker contract funding to provide adequate knowledge of aircraft

conditions; insufficient training, inspection, maintenance; and a deplorable safety record for large air tankers. It appeared to the Panel that Forest Service and BLM leaders were not well versed on aircraft certification, airworthiness, and performance issues, or their implications for flight safety.

#### **FINDING 6 – CERTIFICATION**

The Federal Aviation Administration (FAA) has abrogated any responsibility to ensure the continued airworthiness of “public-use” aircraft, including ex-military aircraft converted to firefighting air tankers. Although these aircraft are awarded FAA type certificates, the associated certification processes do not require testing and inspection to ensure that the aircraft are airworthy to perform their intended missions. The Forest Service and the BLM are recognized as the premier land management agencies in the world, while the FAA is the recognized premier aviation agency in the world. It makes no sense for these agencies to swap responsibilities. The Blue Ribbon Panel still holds to the position that the FAA should shoulder more responsibility for the safety and airworthiness determinations of these public use aircraft in the future. However, the NTSB Recommendation letter leaves no doubt that - - - at least for now - - - the Forest Service and the BLM are the operators of these aircraft and therefore responsible for their safety.

#### **FINDING 7 – CONTRACTS**

Government contracts for air tanker and helicopter fire management services do not adequately recognize business and operational realities or aircraft limitations. As a result, contract provisions contain disincentives to flight safety. These federal agencies have adopted a widespread, short-term pursuit of cost-efficiency. A narrow cost-focus is evident in Forest Service and BLM contracts that do not reward value, performance or safety. The Panel saw no evidence that contracting offices either knew about or had attempted to address known structural issues to ensure that contractor aircraft could be operated safely. The Panel found nothing in current air tanker contracts that provided incentives for contractors to operate safely. Conversely, financial penalties assessed for periods when the aircraft are unavailable for service encourage contractors to fly aircraft that are not airworthy.

#### **FINDING 8 – TRAINING**

Training is under funded and inadequately specified for helicopters, large air tankers, and other fixed-wing operations. Aircrew-training requirements have not been identified and the contract award processes do not consider aircrew-training accomplishment, nor are training records required as proof-of-accomplishment. Aerial firefighters currently do not have an opportunity to fly together in a training environment. Each element of the aviation

program knows little about the others, except for what is learned during real-world operations, often when they see each other for the first time over a wildfire. The Panel saw that, quite unlike most professional aviation communities, air tanker pilots do not share information about successful techniques, good or bad results and/or difficulties encountered in their operations. Previous-season data are not used for sustainable, long-term improvements or training opportunities.

The Blue Ribbon Panel encourages the Forest Service and Bureau of Land Management to undertake an immediate and aggressive effort to ensure that there is a safe and effective fleet of air tankers that builds upon the *findings* identified in our report and that operate with appropriate certification, inspection, maintenance and oversight.