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FOREST PEST CONTROL ACT OF 1947 AMENDMENTS AND COOPERATIVE AGREEMENTS REIMBURSEMENTS

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KANSAS STATE UNIVERSITY BEFORE THE

SUBCOMMITTEE ON FORESTS

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

H.R. 1670

APRIL 24, 1975

BUSINESS MEETINGS

APRIL 24 AND MAY 7, 1975

AND

H.R. 5634

JUNE 19, 1975

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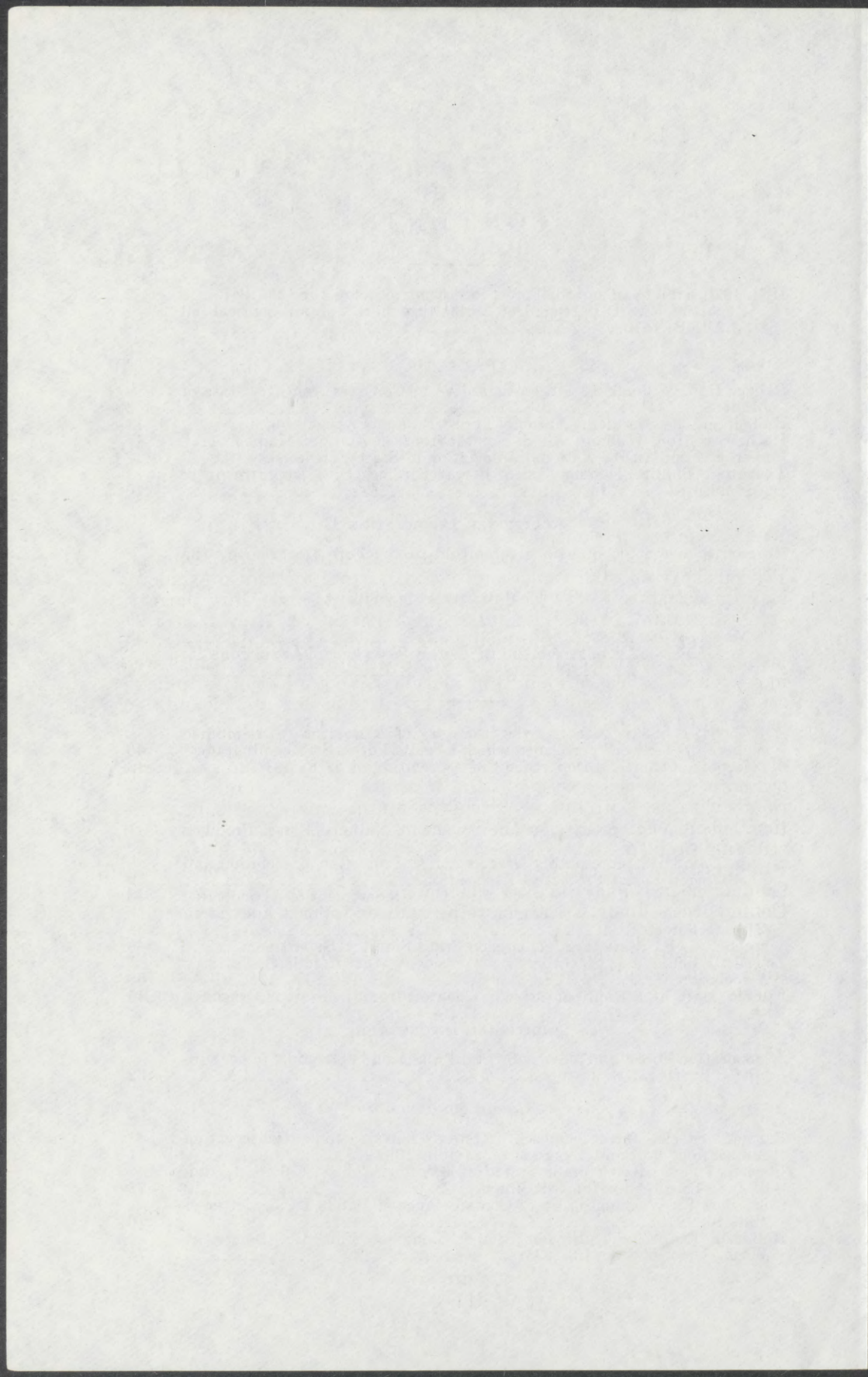
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FOREST PEST CONTROL ACT OF 1947 AMENDMENTS

THURSDAY, APRIL 24, 1975

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 1302, Longworth House Office Building, Hon. Jerry Litton (chairman of the subcommittee) presiding.

Present: Representatives Litton, Vigorito, Mathis, Brown, Weaver, Krebs, Symms, and Johnson.

Staff present: Robert M. Bor, counsel; Hyde H. Murray, counsel; Fowler C. West, staff director; Weldon Barton, and Nick Ashmore, staff consultants; L. T. Easley, press assistant; and Mary Jarratt, staff assistant.

Mr. LITTON. The meeting will come to order. I would first like to apologize for the attendance we have this morning. The House was in session until nearly 3 a.m. this morning. We are fortunate to have some weary-eyed members here this morning for the committee hearings.

Before we get into the hearing, I would first like to recognize some of the visitors we have with us today. Dean Mayne who is the coordinator of special projects at the Institute of International Education is with us. With him is a group of international experts on nutrition. Their visit is sponsored by the State Department. They are studying problems that are associated with the world food situation. I understand the creation of this group came out of the World Food Conference in Rome. I'm glad something came out of the World Food Conference in Rome. We are certainly pleased to have you people with us this morning.

These hearings have been called on H.R. 1670 by our colleague from Maine, Bill Cohen. This legislation proposes to amend the Forest Pest Control Act of 1947 providing funds appropriated under that act shall remain available until suspended.

[H.R. 1670, introduced by Mr. Cohen, and the U.S. Department of Agriculture report on S. 441, an identical bill, follows:]

94TH CONGRESS
1ST SESSION

H. R. 1670

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1975

Mr. COHEN introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Forest Pest Control Act of June 25, 1947.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first sentence of section 5 of the Forest Pest Control
4 Act of June 25, 1947 (61 Stat. 177; 16 U.S.C. 594-1
5 through 594-5), is amended by changing the period at the
6 end thereof to a comma and adding the following: "such
7 sums to remain available until expended."

I



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

March 25, 1975

Honorable Thomas S. Foley
Chairman, Committee on Agriculture
House of Representatives

Dear Mr. Chairman:

We would like to offer our views on S. 441, an Act "To amend the Forest Pest Control Act of June 25, 1947."

The Department of Agriculture recommends that S. 441 be enacted.

S. 441 would amend the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177, 16 U.S.C. 594-1 - 594-5) by changing the period at the end thereof to a comma and adding the following: "such sums to remain available until expended."

Under existing law, Federal forest pest control funds cannot be carried over into the next fiscal year. The effect of S. 441 would be to remove this limitation by making funds appropriated under the Act available until expended.

The Forest Service, through authority delegated by the Secretary of Agriculture under the Forest Pest Control Act, is responsible for the prevention, survey, and control of forest insect and disease outbreaks on all forest land, regardless of ownership. This responsibility is carried out directly or in cooperation with other Federal departments, States, public agencies, organizations, or individuals. State forestry agencies conduct the forest pest control program on State and private lands with funds from Federal and State sources on a cooperative basis.

Typical forest insect and disease outbreaks become active in the spring and intensify during the summer and fall. Control efforts, to be most effective, must be carefully timed to coincide with a particular period in the pest's life cycle. This period, which is often as short as two or three weeks, varies greatly among individual insects or diseases, geographic locations, weather conditions, and other factors. Many forest pest control projects now span two fiscal years, because they are at their peak between May and August. Interruptions in control projects, as might result from a lack of funding continuity between fiscal years, may lessen the effectiveness of the projects by allowing the pest to become reestablished and to spread. These interruptions can also be administratively inefficient.

The problem is aggravated when a cold or wet spring delays emergence of the insects, and control projects must be postponed until early in the next fiscal year. In this situation, funds appropriated for the past fiscal year cannot be extended, and funds may not yet be available for the current year. Meanwhile, the forest pests continue to do their damage, and the most effective time for control may pass before new funds are appropriated.

Occasionally, several major forest pest outbreaks reach emergency levels at the same time. This happened in fiscal year 1974 when there were simultaneous, widespread outbreaks of the southern pine beetle in the South, gypsy moth in the East, spruce budworm in the Northeast, and Douglas-fir tussock moth and mountain pine beetle in the West. To meet this emergency, we requested a supplemental appropriation which was approved on June 8, 1974. Had the Congress not specified that these supplemental funds were to be available until expended, their availability would have expired only three weeks later on June 30. Whenever a major control effort must be funded by a supplemental appropriation late in the fiscal year, it is extremely difficult to most effectively use the funds without carry-over authority.

Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

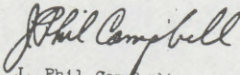
The State forestry agencies who conduct the forest pest control program on non-Federal lands are dependent upon Federal funds for part of the cost. State legislatures are reluctant to appropriate cooperative funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is complicated because some States budget on a biennial basis.

The Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344) directs that Federal fiscal years shall begin on October 1, effective October 1, 1976. While this change will place the critical May through August period in the same fiscal year, it will not solve the basic problem addressed by S. 441. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

Enactment of S. 441 would not increase Federal expenditures for forest pest control. It would, however, increase the effectiveness with which Federal, State, and private funds are used.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,



J. Phil Campbell
Acting Secretary

Mr. LITTON. H.R. 1670 is identical to S. 441, legislation introduced by Senator Eastland and others which passed the Senate unanimously. The bill is supported by the administration and has received a favorable departmental report.

It is the intent of the Chair during these hearings, to receive testimony on H.R. 1670 and to explore other problems within the forest pest control programs administered by the U.S. Forest Service with possible consideration by the subcommittee at a later date. To this end, the subcommittee will be interested in receiving information in many areas. Particularly, the subcommittee will be interested in determining the following:

One: The extent of the forest pest problem which confronts the Forest Service.

Two: A description of the environmental and economic impact of these problems on our Nation's forests and on the timber industry.

Three: Identification of available control and eradication methods available to the U.S. Forest Service to control pest outlets.

Four: Possible solutions to the subcommittee may want to consider each identifiable problem.

Five: Identification of those problems facing the Forest Service and their related pest control activities.

Simply speaking, the subcommittee recognizes that there are problems involved in the operation of pest control programs by the Forest Service. We are concerned over this and we are therefore interested in obtaining further detailed information concerning the operation of the program.

Before we hear testimony, I would like at this time to recognize my colleague from Idaho, the ranking Republican on the subcommittee, Mr. Steve Symms for a statement for the record.

Mr. SYMMS. Thank you very much, Mr. Chairman. I will be very brief and just say that I am looking forward to working with you this coming session in the 94th Congress on the many forest-related problems we have.

As you know, I come from a part of the country where we have a lot of national forest land. We are very familiar with some of the problems; however, we think we are working with a renewable resource. We can be on the side of the angels if we can improve the management of our national forest land. We could cut more timber and begin more new trees growing in their place. We would have something going that is an ever-generating resource.

I would just like to say that I will be looking forward to working with you in trying to provide all the cooperation we can, from the minority side.

I can only urge the Congress to take action in this committee and on the floor that hopefully will bring us to better, sound guidelines for management and conservation of our natural resources which are so valuable to all of us. Jobs in a good environment would be so helpful to this country; watershed treatment, more homes. We have people here who want to testify and we should get on with it. I know our friend from Maine probably has other things to do this morning.

Mr. LITTON. I appreciate your remarks, Mr. Symms. I would like only to add that it is the intent of the Chair to hold hearings later in the year in those areas that would permit us to identify the problems

within the industry; to take a long-range look at where we stand, where we are going, what we have, how long it will last, how we can best utilize what we have, and how we can best expand our timber resources.

Before we call our first witness, I see our colleague, Mr. Weaver, has arrived. Do you have any opening statements?

Mr. WEAVER. No, thank you.

Mr. LITTON. At this time, I would like to call on our first witness who originally introduced this legislation and who has been very much concerned about the problems of the timber industry; Mr. Bill Cohen. We are happy to have you here today to consider your testimony.

STATEMENT OF HON. WILLIAM COHEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Mr. COHEN. Thank you, Mr. Chairman. At the outset, I want to thank you for scheduling hearings on H.R. 1670, and for inviting me to present testimony on this important measure. I must confess to you, however, when I spoke to you on the floor this morning at 2, inquiring as to whether you intended to commence on time, I was a bit disappointed when you said yes, indeed, that we would begin at 10.

As you know, this bill would amend section 5 of the Forest Pest Control Act of June 25, 1947, by removing the existing limitation from the law which precludes the carryover of funds appropriated for forest pest control activities from one fiscal year to another. This change in the existing law is primarily designed to promote the efficiency of Federal and State pest control activities by providing the U.S. Forest Service with greater flexibility to conduct forest pest control programs when they would do the most good. A companion bill, as you mentioned, Mr. Chairman, S. 441, was approved by the Senate on February 22 of this year.

Specifically, this bill seeks to remedy a recurring problem which has impeded forest pest control efforts over the years, namely the lack of funding continuity in carrying out these activities. As the Senate report accompanying S. 441 points out, typical forest insect and disease outbreaks become active in the spring and increase in intensity during the summer and fall. If control efforts are to be effective, it is essential that they be geared to coincide with a particular period in the pest's life cycle. This period, which can be as short as 2 or 3 weeks, varies greatly among individual insects or diseases, geographic locations, and weather conditions, thus necessitating the need for flexibility in seeking to combat the outbreak.

Moreover, many forest pest control projects span 2 fiscal years, because the pests are at their peak between May and August. Interruptions in control projects resulting from a lack of funding continuity between fiscal years lessen the effectiveness of the projects and only leads to further depredation of the forests by allowing the pest to become reestablished and to spread. Frequently, the end result is the permanent loss of precious woodlands that could have possibly been saved had control efforts not been interrupted.

The problem is aggravated when a cold or wet spring delays the emergence of the insects, and control projects must be postponed

until early in the next fiscal year. In this situation, funds appropriated for the past fiscal year cannot be carried over, and funds may not yet be available for the current year. In the interim, the forest pests continue to do their damage, and the most effective time for control may pass before new funds become available.

Occasionally, several major forest pest outbreaks reach emergency levels at the same time, dictating the need for a supplemental appropriation for the U.S. Forest Service. Whenever this situation arises, particularly if it occurs late in the fiscal year, it is extremely difficult to use the funds effectively without carryover authority. Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The State forestry agencies conducting the forest pest control program on non-Federal lands are dependent upon matching Federal funds for 50 percent of the cost. State legislatures are reluctant to appropriate matching funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is complicated by the fact that some States budget on a biennial basis.

The Congressional Budget and Impoundment Control Act of 1974 does provide that fiscal years shall begin on October 1, effective October 1976. While this change will place the critical May through August period in the same fiscal year, it will not totally solve the basic problem addressed by H.R. 1670. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

For certain, enactment of H.R. 1670 will not mitigate the requirement for an ongoing, extensive research program in the area of pest control and forest management. Nor does it diminish the acute need to adequately fund vital pest control, prevention and monitoring projects, as well as the various other activities and programs of the U.S. Forest Service. What it does represent, however, is a positive step forward in providing forestry officials with greater flexibility and latitude in protecting our forest resources from the ravages of natural forces, which tragically nullify almost one-fifth of our total annual timber growth. Given the economic, environmental, recreational, and related values that are associated with this resource, the importance of this undertaking cannot be overstated.

In a very real sense, every American has a large stake in our efforts here today, for the preservation and protection of our invaluable forest environment is a major national imperative.

Forest pest control and management programs that sustain this goal represent a sound investment with multiple returns—an investment that directly or indirectly affects the lives of all Americans. Nature blessed this Nation with a bountiful renewable resource in timber and each of us, I believe, has an overriding obligation to support whatever measures are necessary to protect this priceless national asset. H.R. 1670 seeks to enhance this objective at no additional

cost to the Government, and, I am hopeful that it will have the support of every Member of Congress.

Again, Mr. Chairman, thank you for this opportunity to testify. I stand ready to work with you and all other interested parties in an attempt to develop policies and programs that will preserve, protect, and insure the proper utilization of this Nation's vast forest resources.

Mr. LITTON. I thank the gentleman for his excellent testimony and his concerns and interests about the problems of the timber industry.

One question I would like to clear. That is, while the legislation would not bring about any increased cost to the Government, it would seem that that money which was appropriated for this use was used, whether it was used within the fiscal year or not. To that extent there would be some increased cost, and only to that extent; is that right?

Mr. COHEN. I would agree with that; yes.

Mr. SYMMS. I would like to commend the gentleman from Maine for his excellent testimony. I do support your legislation. Do you have any perfecting amendments you feel the subcommittee should consider at this time? Has anything come up since you first introduced it?

Mr. COHEN. No; as the chairman has indicated, it has passed the Senate in virtually the same form. I have not heard of any new information that would cause me to want to alter this particular bill.

Mr. Chairman, to demonstrate the problems that our forests are facing and the U.S. Forest Service is facing as well, I would request unanimous consent that I be allowed to insert as part of the record an article. I believe you may have a copy of it. It appeared in Time magazine, describing the nature of the problem that Maine is confronted with right now in terms of the budworm infestation.

Mr. LITTON. If there is no objection, it will be inserted in the record. Are there any other questions?

Mr. WEAVER. Mr. Cohen, regarding the Time article and your situation, what is your present problem?

Mr. COHEN. We have roughly 5.3 million acres that are heavily infested. The State and the paper industry are preparing to spray roughly 2 million acres starting in June. Moreover it is a severe problem that is not confined to our State alone. It is an international problem now. Canada has roughly 100 million acres that are heavily infested.

Mr. WEAVER. The name of the insect, Mr. Cohen?

Mr. COHEN. The spruce budworm.

Mr. WEAVER. What is Canada doing?

Mr. COHEN. Canada intends to spray in the neighborhood of 7 million acres in New Brunswick but that, of course, is just a beginning.

Mr. WEAVER. What chemical do they use?

Mr. COHEN. There are three chemicals they are now considering. Zectran is one they have used in the past.

Mr. WEAVER. You don't know the generic structure of it?

Mr. COHEN. No; I believe the Forest Service might be able to provide that. All of them are EPA approved.

Mr. WEAVER. They are?

Mr. COHEN. Yes; they are. There is no longer any spraying with DDT.

Mr. WEAVER. Thank you, Mr. Cohen.

Mr. LITTON. Mr. Krebs?

Mr. KREBS. If I may be so presumptuous, I would like to commend the gentleman from Maine for taking the lead. It is a long distance from my State but I certainly think it is a worthwhile project and I wholeheartedly support it.

Mr. COHEN. Thank you for your comment. This is not confined to Maine. There are many other areas in the country that are affected by similar problems. We talked last week about a southern pine beetle throughout the Southern States and a mountain pine beetle in parts of Wyoming, Colorado, and South Dakota. They are not too far from you.

Mr. LITTON. I have one question for the gentleman from Maine. What is your feeling toward the possible change in the bill to make this applicable for the present fiscal year so it would not have to go to the Senate?

Mr. COHEN. I would certainly support that.

Mr. LITTON. I thank the gentleman for his testimony.

Mr. SYMMS. I want to ask one last question. In Maine you have had some problems with the tussock moth; is that correct?

Mr. COHEN. Yes.

Mr. SYMMS. What was Maine's experience with DDT?

Mr. COHEN. We did not have the tussock moth. I don't believe that was the problem.

Mr. SYMMS. The gypsy moth, rather. What was your experience with DDT?

Mr. COHEN. The DDT was very effective. Since 1967, it has been banned.

Mr. SYMMS. You have had no use of it. Are you suffering quite a bit of destruction in Maine's forests because you lack DDT?

Mr. COHEN. As a result of the budworm problem, there is quite a bit of acreage infested. I think I told you earlier that it was 5.3 million acres that are heavily infested. Serious damage has been done.

Mr. SYMMS. Thank you, Mr. Chairman.

Mr. LITTON. I would like to thank our colleague from Maine for his testimony.

Mr. COHEN. If I might, Mr. Chairman, I would like to add for the gentleman from Idaho that DDT gives 100 percent effective control while Zectran is 87.5 percent effective control.

Mr. SYMMS. Is that a case where the 13 percent that are left do almost 100 percent of the damage?

Mr. COHEN. That might be the situation.

Mr. SYMMS. If you only kill 80 percent of the worms, and you have 20 percent left alive, they can propagate enough to make 100 percent of it. Sometimes this is misunderstood. I thank you very much and appreciate your testimony. We hope to be able to move on your bill.

Mr. KREBS. In line with Mr. Symms' comment, I suppose you could use DDT and kill a few people in the process of it.

Mr. LITTON. Thank you, Mr. Cohen.

I would like to call at this time Mr. Thornton, the Deputy Chief of the Forest Service of the U.S. Department of Agriculture.

If you would, Mr. Thornton, please introduce to the subcommittee your colleague.

**STATEMENT OF PHILLIP THORNTON, DEPUTY CHIEF, FOREST
SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. THORNTON. Mr. Chairman, we are pleased to be here this morning. With me is Mr. Russell K. Smith who is the staff director for forest insect disease control for the Forest Service. I have a brief statement I would be pleased to read for the record.

Mr. LITTON. Proceed.

Mr. THORNTON. We appreciate this opportunity to present our views on H.R. 1670. This bill would amend the Forest Pest Control Act of 1947 to make funds available under the act until expended. The Senate passed a companion bill, S. 441, on February 21, 1975.

Under existing law, Federal forest insect and disease funds cannot be carried over into the next fiscal year. H.R. 1670 would remove this limitation and allow us to plan and carry out forest insect and disease control projects without the financial restraints imposed by the timing of the Federal fiscal year. We recommend that H.R. 1670 be enacted.

Control projects, to be most effective, must be carried out during a relatively short period in the life cycle of the particular insect or disease species being controlled. The timing and duration of these critical control periods are primarily determined by uncontrollable factors such as individual insect or disease species characteristics, geographic locations, and weather conditions. Necessary work before, during, and after these control periods frequently spans 2 fiscal years.

The lack of funding continuity between fiscal years interrupts control projects at the end of the fiscal year when funds cease to be available. Control projects which should be started or continued early in the next fiscal year are delayed until new funds are appropriated. Meanwhile, the forest pests continue to do their damage, and the most effective time for control may pass. These interruptions and delays are also administratively inefficient.

Occasionally, several major forest pest outbreaks reach emergency levels at the same time, and a supplemental appropriation is needed. If such a supplemental is approved late in the fiscal year, it is extremely difficult to most effectively use the funds without carryover authority.

Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work is difficult late in the fiscal year when funds may cease to be available before the work is completed.

The State forestry agencies who conduct the forest pest control program on non-Federal lands are dependent upon Federal funds for part of the cost. State legislatures are reluctant to appropriate cooperative funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is further complicated because some States budget on a biennial basis.

Changing the beginning of the Federal fiscal year to October 1 will place many of the critical summer control periods in the same fiscal year. Regardless of when the fiscal year begins and ends, however, there could be potentially serious interruptions and delays in forest pest control projects unless funds are available until expended. For

example, southern pine beetles produce four to seven broods per year, and control work continues almost year long.

Also, followup monitoring of control projects is done throughout the year. This is particularly true of projects involving the aerial application of insecticides.

H.R. 1670 would not increase Federal expenditures under the Forest Pest Control Act. It would, however, increase the effectiveness with which Federal, State, and private funds are used by providing more flexibility in planning and conducting work under the act.

This completes my prepared statement. I will be happy to respond to any questions.

Before responding to questions you may have, I would like to mention a current problem that relates to the wording of H.R. 1670. Our legal counsel advised us that H.R. 1670, as written, would not apply to funds appropriated prior to its enactment. A supplemental appropriation for the spruce bud-worm and bark beetle is now being considered. It is very important that such funds remain available until expended. Should the committee wish to provide for this, the wording proposed in H.R. 1670 could be changed to read, "such sums appropriated for fiscal year 1975 and thereafter to remain available until expended."

Mr. LITTON. I would like to ask Mr. Thornton if he could remain a little bit longer. We could save time if we could ask questions of both he and the witnesses to follow at the same time.

Mr. THORNTON. We would be happy to do that.

Mr. LITTON. I would like to ask John Hall who is vice president of forestry affairs, National Forest Products Association to come forward.

Mr. HALL. Thank you, Mr. Chairman.

Mr. LITTON. We are glad to have you here. We are anxious for your testimony.

STATEMENT OF JOHN HALL, VICE PRESIDENT, NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. HALL. I am John Hall with the National Forest Products Association. We are a federation of 26 regional organizations whose over 2,000 member companies represent the companies concerned with growing and harvesting timberland to meet our Nation's wood product needs.

We do support an urgent enactment of the bill before you today because it would provide some additional flexibility to the Forest Service in meeting the pest control needs of the Nation. The current estimate is about \$500 million a year in useable wood. The wood growth is lost to insect infestations. These insects are cyclical in nature. They don't respect fiscal years or property boundaries. They do have a consuming interest in standing timber. They can build up rather rapidly for unpredictable and unknown reasons to levels that do require control.

Most insects exist in the forest on a endemic or low-level basis. For some unknown reasons, they build up to epidemic levels which merit or demand control if we are to continue timber growth and harvest in many areas.

The number of outbreaks needing control, the pest involved, the extent of the outbreak, and the cost frequently cannot be predicted in advance under the control.

The last few years there have been several major epidemics. You just heard about the situation in Maine which has been building for several years and now demands control. Mr. Symms is intimately familiar with the tussock moth situation in the Idaho, Oregon, Washington area which resulted in a special EPA approval for the use of DDT to control that epidemic.

Incidentally, Mr. Krebs, DDT is not harmful to man. I wasn't sure from your comment what you meant. He so intimately was involved in the obtaining of that approval of EPA to use the DDT in this instance.

The gypsy moth situation is one of a cyclinical nature. About 80,000 acres had infestation in 1968 and 1.8 million acres in 1973. That, we understand, is dropping down to 750,000 acres. The gypsy moth is an animal which doesn't kill the tree in the first year around. It attacks primarily the hardwood which have the ability to put out a new growth of leaves every year which is not true of the softwood species.

Mr. Thornton has mentioned some of the difficulties with the southern pine beetle epidemic and also the controlled programs. They need to be larger than originally anticipated and may be stopped. Last minute analysis revealed that the epidemic suddenly declines from natural causes such as a virus or unfavorable conditions.

In short, we support this bill. It provides a small degree of flexibility that the Forest Service needs; the pest control needs and we take this opportunity to thank you.

Mr. LITTON. We appreciate your testimony. If you will remain with us for a few minutes until we hear Mr. Pomeroy's testimony, we will have questions.

I will call on Mr. Ken Pomeroy. We are happy to have you with us.

STATEMENT OF KENNETH B. POMEROY, NATIONAL ASSOCIATION OF STATE FORESTERS

Mr. POMEROY. I am Kenneth B. Pomeroy, representing the National Association of State Foresters. The State foresters are very much concerned about the annual losses of valuable timber caused by destructive insects and diseases. It is our understanding that about one-fifth of the growth is lost each year, valued upward of \$500 million. This does not take into account the loss of potential growth cost by damage to seeds, seedlings, and immature saplings.

If I may digress just a little bit, I would like to recount a few personal experiences in the need for prompt action in insect control.

A long time ago I was a Federal employee; a forest manager. One day it was reported to me that the redheaded softfly had invaded a plantation of about 10,000 acres of jack pine near Cadillac, Mich. We rounded up all the potato bud squares we could find—the ones with the little glass bottoms. We had about 400 CC boys in a line going through this plantation. They sprayed every young seedling that had a bug on it. In a week's time, we controlled the whole infestation.

On another occasion, we were near Arbuckle, Calif. The grasshoppers had moved in from Rangeland to a large plantation. Again,

in just 1 day's time, we were able to get together poisoned bait. We stopped that grasshopper infestation in a very short time. Had these infestations occurred under present conditions in the early part of July when appropriations are not available, they might have expanded to considerable size.

The State foresters feel that every effort should be made to make control work as efficient as possible. The proposal of H.R. 1670 to make appropriated funds available until expended, would help in this effort. Thank you very much.

Mr. LITTON. We appreciate your testimony, Mr. Pomeroy. If you would remain there, I would like Mr. Hall and Mr. Thornton to return. We are pleased that you testified this morning. There are several questions we would like to ask.

Mr. KREBS. I have no questions or comments.

Mr. LITTON. Mr. Symms?

Mr. SYMMS. Thank you, Mr. Chairman. For the benefit of Mr. Krebs who wasn't here last year when we took testimony on DDT, there was one day when our colleague from Washington, Mr. McCormick, was testifying on behalf of his bill to renew the use of DDT. Mr. George Goodling, who is a former member of this committee, and myself, were here in the room along with a few other colleagues. Members of the press were here. They came to some conclusions after hearing Mr. McCormick, who was a chemist by profession before he came to Congress, and Mr. Goodling, who is also an apple grower, and who used to talk about how many tons of DDT he sprayed during his life. He was 78 years old and very healthy. The three of us came to the conclusion that DDT was just as safe as mother's milk. I told Mr. McCormick that, our chemist in Congress, and he said, "Why, it is." We had quite a time getting the EPA to back away from their old standby to take care of gypsy moth and tussock moth. The EPA standby, of course, has been mothballs but that hasn't worked too successfully.

I would like to ask Mr. Hall a question. Do you know how much the forest industry invests in pest control?

Mr. HALL. I don't have exact figures on that investment. I do know that the industry cooperates with the Federal Government on many of the control projects, especially those which involve industry lands as well as control on its own lands.

With direct funds from the company, I am not sure whether or not I could develop those figures. I would be willing to have a go at it and see if I could develop something for the committee's concern.

Mr. SYMMS. The point I wanted to make for the record is that there is a substantial degree of cooperation in the industry. If you could give me figures without too much trouble, we could submit them for the record. I think that would be good.

Mr. HALL. We do not have a reporting service for that. The Forest Service ought to be aware that some of the dollars invested in the cooperative projects—

Mr. SYMMS. Perhaps the gentleman from the Forest Service would like to comment on that.

Mr. THORNTON. For the spruce budworm project in Maine, 50 percent of the share of the cost is proposed. About \$1 million would come from State funds and about \$2½ million would come from the land owners, who are primarily industry people. As Mr. Hall points out, in

many States, the land owners do participate in the funding through tax assessment or some other way.

Mr. SYMMS. Along the same line, Mr. Pomeroy, to what degree are you receiving cooperation from State legislatures around the country in these programs? Is that working pretty well? How would you rate that?

Mr. POMEROY. They always want to be sure the Federal dollar is available before they cooperate. As soon as it is available, the cooperation is excellent.

Mr. SYMMS. Are there any of you here who would object to an amendment to this legislation which would make the funds that were already appropriated for the fiscal year 1975 available until expended? Do you think that would be a wise decision?

Mr. HALL. Very desirable.

Mr. THORNTON. Yes.

Mr. SYMMS. Gentlemen, I appreciate all of your testimony this morning. Mr. Chairman, I have no further questions.

Mr. LITTON. Mr. Vigorito?

Mr. VIGORITO. No questions.

Mr. LITTON. We are talking about legislation that would permit a carryover from 1 year to the next. What is in the budget for this fiscal year?

Mr. THORNTON. In fiscal year 1975, the regular appropriation was \$11.5 million. We carried over some funds from the supplemental last year, mostly from the tussock moth operation, about \$1.7 million.

The supplemental request we have before the Congress now is about \$5.3 million in round numbers. Combining all of those, our 1975 program, assuming we get the supplemental, would be about \$18½ million.

Mr. LITTON. What is the annual loss each year in terms of timber and products?

Mr. THORNTON. There are many ways to measure that kind of loss. Unfortunately, we don't have the best in fact evaluations. One of our needs in management is a more adequate appraisal of pest impacts. About 2½ billion cubic feet of timber is lost, which contains about 9 billion board feet. The magnitude is roughly 20 percent of the total growth occurring in the forests throughout the country. It is about 40 percent of the total harvest for lumber, pulpwood, and so forth. The dimensions of it are apparent as a major loss of volume and value.

Mr. LITTON. 40 percent of the harvest and 20 percent of what?

Mr. THORNTON. From the annual growth that the forests are making, we lose from insects and disease and other damage, the equivalent of one-fifth of what we are actually growing in the forests of America.

Mr. LITTON. Could you put a dollar value on that?

Mr. THORNTON. We have not attempted a dollar value. We could, if you wish.

Mr. HALL. In my statement, sir, I attempted a dollar value, estimating both the loss in timber and the equal volume of growth potential that is lost. I put an estimate of \$500 million a year in the total volume of wood lost and growth potential, which ties in with Mr. Thornton's estimate of 20 percent of the annual growth as well as the loss.

Mr. LITTON. Do any other members of the committee have anything to add?

Mr. SYMMS. There is one point I would like each of the three gentlemen to comment upon. We have had a problem in Idaho with isolated timber stands that get infested and become somewhat unmanageable. The timber market is in a decline. The infestations are reducing the value of the timber. Often the stands occur in a place where you have to use sophisticated or exotic means of logging, so the problem of access has become the major problems we face in good forest management. Would you comment on the necessity for better access to the forests so we could have better pest management and also bring these timber sales more in line with the market so we could afford to get to them.

Mr. THORNTON. I would like to begin, if I may, Mr. Symms. As you know, a good transportation system is vital to the management of the forest. Speaking of the national forests in particular, we have some 56 million acres that are unroaded. This is not counting the designated wilderness areas. This is one dimension that is readily apparent; the lack of access which precludes any salvage of insect and disease-killed timber.

Mr. SYMMS. Along that line, I have introduced legislation which would increase from \$2,000 to \$10,000 the dollar volume allowable on ranger sales. Do you feel that this would also facilitate the ability of a ranger to take out isolated pockets of infestation prior to a decline in the value of the timber? Would this be helpful?

Mr. THORNTON. It would be helpful. It would enable the ranger to move more rapidly through his authorization where time is critical.

Mr. SYMMS. As far as the National Forest Products people are concerned, do you think this type of flexibility among the rangers, Mr. Hall, would be helpful to small loggers who play such a vital role in good forest management?

Mr. HALL. Not only small timber loggers, but any company; whoever the purchaser happens to be. The ranger has removed some of the administrative procedures in putting out that small amount of timber for sale; 2,000 would make it reasonable two decades ago when our prices were a lot lower but it is unworkable—too small now—for current economic conditions.

On your first question of access, access along with fire are the first two steps in forest management. Our access to forest service is way behind. A recent GAO report indicated that about 6 billion board feet of timber are lost annually on the western national forests. That is about the equivalent to half the annual harvest. Fifty percent of this could be salvaged with an adequate access system. Access is extremely important, not only to assure future growth, but also to capture the growth which is there now.

Mr. SYMMS. The point you are making is that we have overmature stands of timber which are more susceptible to infestations?

Mr. HALL. Right. The older timber, just as older people and other life, are more susceptible to insect disease.

Mr. SYMMS. In other words, if you could have better access, we might even increase the sustained yield without actually decreasing any environmental viability.

Mr. HALL. We can make better use of the timber which is now standing and in a way which would enhance the timber growth potential.

Mr. SYMMS. Would you care to comment on it, Mr. Pomeroy?

Mr. POMEROY. Speaking as an old ranger, I would like to see the decision process at the lowest level; at the ranger level whenever possible. I think that speeds up and facilitates it for everyone.

Mr. SYMMS. In other words, give some of the responsibility that goes with the authority incumbent in the law to the lower management levels so they can actually—

Mr. POMEROY. To the man on the ground.

Mr. SYMMS. I have no further questions right now, Mr. Chairman.

Mr. LITTON. Mr. Thornton, you indicated earlier \$11 million on this fiscal year in terms of insect, disease, and pest control. You also indicated that you have a request for some \$5 million in supplemental. Would you care to tell me why you have such an unusual need for so much in the way of funds beyond the normal quota?

Mr. THORNTON. Yes; I would like to comment on that.

Over the years, our regular appropriation for this program has been about \$10½ to \$11½ million. In fiscal 1973, we found it necessary to reprogram about 1.4 million additional dollars. In 1974, we found it necessary to come before the Congress with a supplemental request for about \$6.3 million—this year, about \$5.3 million. In recent years, we have had an upsurge of major pests throughout the country; more so than ever before. That, coupled with the rising cost of chemicals, application and so forth, has made that regular appropriation level inadequate to do the job. We have had to come back repeatedly for situations such as you heard about this morning.

Mr. LITTON. What problems do you encounter when you go through the supplemental appropriation route rather than the regular appropriation?

Mr. THORNTON. Primarily, as has been discussed before, the problem of not having a clear go-ahead in time to do adequate planning for the control of the outbreak.

Mr. LITTON. Do any members of the committee have additional questions?

Mr. SYMMS. Mr. Chairman, if there is no objection I will submit to Mr. Thornton a list of about 38 questions, some of which we have already covered. For the benefit of our hearing record could you send back to the committee very brief answers to some of these questions? In the interest of time, this method would be beneficial to establishing for our records what I think should be covered relative to pest management problems. If I may submit these questions to you for response from the Department I would ask the subcommittee's consent that they remain a part of the record at this point.

Mr. THORNTON. We would be pleased to do that.

Mr. LITTON. Is there an objection? The Chair hears none. It will be made a part of the record.

[The questions referred to appear on p. 19.]

Mr. LITTON. Senator Hathaway is here. Would you like to ask some questions?

Senator HATHAWAY. No.

Mr. LITTON. Do any of you have any closing statements you would like to make?

Mr. THORNTON. Only that we are very pleased that the committee is taking this interest in our pest management problems which are, indeed, severe. We look forward to continued dialog on this.

Mr. LITTON. Thank you very much. We appreciate each of you coming.

Mr. POMEROY. Thank you for the opportunity.

Mr. LITTON. The final witness to testify today is Senator William Hathaway of Maine. We are happy to have the Senator with us this morning, and most happy to have your testimony on this legislation.

STATEMENT OF HON. WILLIAM HATHAWAY, A U.S. SENATOR FROM THE STATE OF MAINE

Senator HATHAWAY. Thank you very much, Mr. Chairman. I have testified many times before this committee, but always on the same subject of eliminating Maine potatoes from the New York Mercantile Exchange. Although I still think that to be an interesting, controversial subject, I am glad I have the opportunity today to testify about something different.

Unfortunately, there is another problem that we have in the State of Maine which we have not yet been able to control.

I am here because the bill you are considering, H.R. 1670, is very important in combating what is probably the most destructive forest insect to be found in Maine today, the spruce budworm. This insect, a defoliator of balsam fir and spruce trees, has become epidemic on 5.33 million of Maine's 7.9 million acres of spruce-fir forest. The number of egg masses presently in the spruce-fir forests is simply enormous. A total of 400 egg masses or more on a 100-square-foot tree foliage sample is considered a heavy infestation. The population for 1975, according to a Maine Forest Service survey, shows an average of 1,500 egg masses with an extreme of over 7,000 per 100-square-foot area, on a 3.8 million acre area.

Repeated defoliation will kill the tree. Large areas of dead trees let more sunlight through the forest canopy, resulting in an excessively dry forest environment and high forest fire hazard. Vast expanses of spruce and fir trees could become tinder boxes. If you have ever watched a dead Christmas tree burn, you can imagine the hazard that exists in Maine forests at the present time. A forest fire under these conditions is a frightening possibility. Needless to say, this would greatly affect the future of Maine forests to produce timber for forest-based industries, and as a home for wildlife.

The importance of this legislation is that the spruce budworm does its damage during late May and June when in the worm or larva stage. Later, in July, it becomes a moth and during the night flies miles in huge swarms which consist of billions. The female moths lay egg masses averaging 200 eggs which will become next year's hungry bugs. These eggs are like time bombs waiting to go off. And the problem is that they represent a deadline which does not make allowance for governmental processes. If you haven't allocated funds for spraying by late May, those funds are useless—the damage is done.

As usual, we are now engaged in trying to get a supplemental passed in time to give the Forest Service the funds to deal with the problem, and as usual, we may not make it. If we do not, and the funds are not available, say, until the second week in June, they will be useless until next May, when the budworm larva again emerges from its cocoon and begins its rapacious route to adulthood.

Under present law, however, whatever of those funds have not been spent will lapse at the end of June, and the same deadline approach

will be pursued next year. The legislation you are considering here today will at least allow these funds to remain available until they are needed, instead of their constantly being appropriated only in the crisis, and then arriving too late and lapsing before the next crisis.

Therefore, I urge the passage of this legislation. I am a cosponsor of S. 441, the companion legislation, and, as you know, this bill has already been passed by the Senate.

In addition, if I may, I would like to add a few words about two other related matters. The first of these is H.R. 1671, the companion measure of S. 34, my bill to allow for what is called deficiency appropriations. This would give the Forest Service the authority, in emergency situations, to shift funds, and to expend moneys for insect control before they have actually been appropriated for that purpose. A supplemental appropriation would then be called on to make up the difference.

The need for this type of legislation is the same as the need for H.R. 1670. Insects are not responsive to legislative deadlines, any more than forest fires are. The Forest Service is authorized to make deficit expenditures in emergency situations involving forest fires. They ought to be allowed to make them in situations involving insects also.

Finally, let me say a few words about research. The only long-term solution to the problem of the spruce budworm is research. At the present time, the U.S. Department of Agriculture spends nothing on research to deal with this most serious problem. Of \$46.8 million planned for research and development of the control of forest pests, none is appropriated for the spruce budworm. This is ridiculous.

Spruce budworm research should be of top priority, if we are ever to get away from the hand-to-mouth policy which we now employ.

Currently, 5.4 million acres in Maine are infested; there are 350,000 infested acres in the Lake States, and, in eastern Canada, perhaps 60-70 million acres. These acreage figures are very large and the economic and social consequences of budworm defoliation are very grave. But the potential losses, if the spruce budworm is not checked, are far greater because spruce-fir forests extend in a continuous belt from the northeastern edge of the continent to its northwestern borders.

The spruce budworm problem is out of hand. If we do not learn to control it soon, it could become a disaster.

Thank you very much, Mr. Chairman. That is the extent of my prepared statement. I should add that the State of Maine has recently passed a \$3.85 million appropriation—of which the State is receiving \$1 million from private land owners—in the hope that Congress will pass legislation to make enough money available on a matching basis so that they will have a total package of some \$6 or \$7 million with which to combat the spruce budworm. There has been, as I say, a commitment on behalf of the State and the private land owners and I hope that there will be a Federal commitment as well.

Mr. LITTON. There has been testimony submitted today that this legislation would not be applicable to this fiscal year. An amendment will perhaps be offered that would make it applicable. Would this be acceptable to you?

Senator HATHAWAY. Yes; it would be.

Mr. LITTON. Mr. Symms?

Mr. SYMMS. Thank you very much, Senator, for being with us this morning. I would like to reaffirm the need for concern about the spruce budworm because we have it in the endemic stage now scattered throughout the Pacific Northwest. I fear what will happen if we don't get on it right away. I think you have made this point very explicit in your testimony. I am hopeful that we can get something going in this direction to help alleviate a problem that may be staring us in the face all over the country. We witnessed the destruction of over half a million acres of timber in Idaho and Oregon last year with the tussock moth. It is certainly a real hazard to our environment—millions and millions of dollars of valuable assets in the national reservoir. We certainly appreciate your being with us this morning, Senator.

Senator HATHAWAY. Thank you, Mr. Symms. It is nice to see you again.

Mr. VIGORITO. I have no questions except to say that I am happy to see the Senator here today. This is surely a problem which we are going to move on very quickly. I am surprised, and I don't know why, that we have to have separate legislation in order to have funds to research the spruce budworm.

Senator HATHAWAY. I don't believe that we have to have separate legislation so long as in the authorizing legislation we express our concern at the absence of research on spruce budworm out of the research moneys that we have already provided. I suppose it would not hurt to have a separate appropriation for that purpose. Certainly an exhortation, even if only in the report, is in order. For we expect money to be spent for that purpose. I think that would accomplish our purpose.

Mr. VIGORITO. I think that ought to be pursued, Mr. Chairman, to make sure that we have research in the spruce budworm problem. That is all I have.

Mr. KREBS. I have no questions. I want to join in thanking the Senator for taking time out of his busy schedule to be with us.

Mr. LITTON. I want to thank the Senator.

Senator HATHAWAY. It is my pleasure to have come over here.

Mr. LITTON. I want to compliment you on your concern and understanding of the problem of pest control.

Senator HATHAWAY. Thank you.

Mr. LITTON. I would hope that the committee could now move into markup.

(The material referred to on p. 16 follows:)

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., April 29, 1975.

HON. JERRY LITTON,
Chairman, Subcommittee on Forests, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: We are pleased to transmit herewith our responses to the written questions which the Subcommittee asked us to address on April 24. Please let us know if you need additional information.

Sincerely,

PHILIP L. THORNTON,
(For John R. McGuire, Chief.)

Enclosure.

(1) *Question.* Explain why multimillion-dollar supplemental funding requests have been made in recent years. Do you expect this situation in FY 76 and beyond?

Answer. Because climatic conditions and other factors have been favorable during the past several years, we are faced with a series of largescale outbreaks.

Several of these outbreaks are the most damaging that have ever been recorded (i.e.; mountain pine beetle, southern pine beetle, and spruce budworm).

Indications are that mountain pine beetle, southern pine beetle, and spruce budworm populations will continue at high levels in FY 1976 and 1977. Vigorous suppression efforts will be needed over the next several years.

(2) *Question.* What problems do you encounter with funding via supplemental appropriations instead of regular appropriations?

Answer. The principal problem encountered is that suppression efforts are often seriously delayed because of the time required to process supplemental appropriation requests. This prohibits us from quickly responding to outbreaks occurring suddenly and which are unknown at the time appropriation requests are made. The net result is that resource losses are much greater and more costly suppression efforts must be undertaken.

The lack of a definite commitment of Federal funds in the development of cooperative projects has an adverse effect on State Government efforts to provide matching funds. Without assurance that Federal participation will be available, some State legislatures have been reluctant to authorize funds with the resulting lack of suppression effort and high losses.

Availability of Federal funds on a timely basis will provide States with financial information they need for effective planning and administration of cooperative projects.

(3) *Question.* What are the primary additional costs of doing business in insect and disease management?

Answer. Some reasons for additional costs of doing business are as follows:

- increased costs of labor, travel, contractual services, products, and transportation of materials;

- increased costs of aircraft needed for aerial surveys and suppression measures;

- development, screening, and pilot control projects for new environmentally safe pesticides;

- development, evaluation, and application of silvicultural, nonchemical, biological, and integrated control techniques including: genetic resistant tree species, predators, parasites, bacteria, viruses, fungi, juvenile hormones, sex attractants, growth regulators, and combinations of the above;

- determination of proper timing of application of pesticides having short residual activity;

- use of helicopter aircraft to insure minimum environmental contamination of critical areas;

- need for two applications of short-lived pesticides to insure maximum effective control;

- pesticide-use certification, training, safety, and disposal;

- preparation, coordination, and review of environmental analysis and impact statements;

- detailed monitoring of suppression activities to determine effects on non-target organisms;

- use of remote sensing technology to improve data collection for surveys and biological evaluations, and

- increased responsibility for determining impacts of air pollution and pesticide residues in response to public concern for a quality environment.

(4) *Question.* Why don't you establish a contingency fund to be available for unpredictable outbreaks?

Answer. This would be very desirable. The base appropriation does allow for establishment of a contingency fund.

For the past 10 years, 1965-1975, 1.9 million has been set aside as a reserve contingency in OMB for unforeseen and unknown projects that may develop after base appropriations are considered. Funding for a reserve contingency is indicated below by the continuing need for supplemental financing.

	Regular funds available ¹	Supplemental financing	Total
Year:			
1973	10,690,000	² 1,400,000	12,090,000
1974	10,969,000	6,463,000	17,432,000
1975	11,462,000	³ 5,260,000	16,722,000

¹ Includes Pay Act supplements.

² Reprogramed from other Forest Service funding.

³ Proposed.

Based on our experience to date and the current insect and disease conditions, we expect the need for financing of emergency projects to continue at a level at least 40 to 50 percent above the current appropriation. Emergency suppression project costs could total \$10,000,000.

(5) *Question.* Do you think emergency funding authorization, such as forest service uses in controlling wildfires on national forests, the act of May 23, 1908, is needed? i.e., H.R. 1671.

Answer. No. Existing legislation is adequate. We believe that a reserve contingency established as a part of our regular appropriation, together with no-year funding authority, would provide an opportunity to respond to critical, urgent suppression needs. Our estimate for reserve contingency should be \$10,000,000 with no-year carryover.

(6) *Question.* Are you effectively applying new research findings—such as alternative chemical or biological controls?

Answer. Yes. The extension and application of new technology is an important part of the Forest Insect and Disease Management Program. Some recent examples are as follows:

ALTERNATIVE CHEMICALS

Two new insecticides, Sevin-4-oil and Sumithion, are now registered for spruce budworm suppression in the Eastern United States. Pilot control projects will be conducted this year to support registration of these materials for use in the West.

Pilot control projects will also be conducted to support registration of Orthene, Matacil, and Dylox for use in suppressing spruce budworm populations nationwide. Orthene also shows good potential for bark beetle control.

BIOLOGICAL AGENTS

Bacillus thuringiensis is currently registered for use against the gypsy moth, forest tent caterpillar, cankerworms, and other forest insect pests, but additional work is needed before it can be used on the spruce budworm and the tussock moth.

Small scale field tests have shown that a polyhedral virus is effective in controlling populations of Douglas fir tussock moth and the gypsy moth. Additional research and pilot control project work is needed before this material can be used in operational programs.

Research is continuing on the development and use of sex attractants, growth regulators, juvenile hormones, and fungi for control of a wide range of forest pests.

PARASITES

A small European imported wasp, parasite, *Agathis pumila*, is now established in the Western United States to control larch casebearer populations. At least three additional imported and one native parasite show good potential for use in suppressing casebearer populations.

Parasites are being introduced in the United States and Canada in an attempt to control sawfly populations.

GENETIC RESISTANCE

A long-range genetic control program is underway to identify fusiform rust resistant pine seed. Results of this effort should provide rust free pine stock for planting programs in the Southeastern United States.

Blister rust free pine is being planted on an operational basis in the Western United States.

(7) *Question.* How much timber volume is lost each year to insects and disease? What is the value and economic significance? Of outbreaks? Of control policies?

Answer. Our data for 1970 shows 4.5 billion cubic feet of growing stock and 2.6 billion cubic feet of sawtimber were lost to destructive agents, but do not identify specifically the losses caused by insects and diseases. However, in 1966, insects and diseases caused direct losses of 2.4 billion cubic feet of growing timber valued at 112.5 million dollars¹ and 1.6 billion cubic feet of sawtimber valued at 500 million dollars.² In addition, losses to other forest resources such as watersheds, recreation, etc., reduced the opportunity for their utilization by the American public. Secondary losses which include the amount of available lumber for housing or industrial development and the subsequent reduction in available jobs at critical time periods can also be attributed to the outbreak.

¹ Based on stumpage value estimated at \$6 per cord.

² Based on stumpage values estimated at \$55 per thousand board feet.

Effective suppression prevents the destruction or damage to all forest resources immediately and ultimately threatened. A direct monetary return for the investment may result where suppression strategy includes removal of timber for processing into lumber.

(8) *Question.* How do you dispose of insect- and disease-killed timber?

Answer. The principal method is removal of infested or dead trees through commercial sale. In areas where commercial sales cannot be justified, the timber is often cut, piled, and burned.

Example: In fiscal year 1974, 163 million board feet and 53 million cubic feet of infested southern pines were removed via commercial sale. In fiscal year 1973, 558.6 million board feet of tussock moth-killed and dying timber was harvested by commercial sales.

(9) *Question.* Do you ever follow eradication policy instead of control policy?

Answer. We do not follow a policy of eradication in Forest Insect and Disease Management.

Our policy is to prevent or reduce losses to a level that is compatible with management objectives. An eradication strategy for forest pests is neither biologically feasible nor economically practical.

(10) *Question.* How are control policies or strategies developed? To control or not control an outbreak?

Answer. *Control policies or strategies.*—Control policies and strategies are developed with consideration for resource management objectives, value of the resource, biological significance of pest problems, environmental significance of action or no action programs, benefit/cost relationships, national significance of pest problems, and public concern.

Control or not control.—A penetrating biological evaluation is made to appraise the current and potential significance of the pest outbreak. This includes a determination of the likely course an outbreak will take if unchecked, the damage and loss to be expected if the outbreak is not suppressed, the probable reduction in damage and loss with suppression, and an indication of the most effective measures for suppressing the outbreak.

An environmental analysis of the beneficial and adverse effects of the proposed suppression action are weighed against the possibility of taking no action. This evaluation includes the impact on all biological systems such as wildlife, fish, domestic animals, plant life, and man. This analysis must show that the consequences of taking action outweigh the consequences of taking no action.

A benefit/cost evaluation is prepared weighing the estimated cost of suppressing an outbreak against the estimated value of the forest resource to be saved.

In some cases when dealing with destructive pests with a known high potential for spreading and causing catastrophic damage, suppression activities should be implemented in the very early stages of the outbreaks, before high economic impacts are evident.

(11) *Question.* What are the environmental consequences of an outbreak? Of control or no control?

Answer. Consequences of an outbreak result in damage and loss of recreation, esthetic, wildlife, watershed, range and timber habitat with high potential for continued and increased losses which could result in catastrophic large-scale fires. The adverse impacts of control include: (1) the possible environmental contamination of air, soil, and water with pesticides; (2) upsetting of natural balances of the forest ecosystem within the control area; (3) increased ground disturbance resulting from logging; (4) sudden flooding of market with salvaged material; and (5) prevention of proper management planning for optimum resource management of affected areas.

No control will impact forest resources by: (1) potential loss of recreation, esthetic, watershed, and wildlife habitat; (2) loss of timber; (3) setbacks and changes in resource management objectives; (4) increased potential for fires, both within and adjacent to the outbreak area; (5) changes in type and species of vegetation; (6) potential for increased spread and destruction by outbreak; and (7) possible health and nuisance hazard to public.

(12) *Question.* Does existing law mandate a cost-sharing ratio? What are the factors that should be considered?

Answer. No. Present law authorizes the Secretary of Agriculture to establish appropriate cost-sharing.

Factors that should be considered in cost-sharing are as follows:

- potential of pest to spread and infest other lands and resources;
- ownership patterns in control area, and
- motivation of State and private land managers to coordinate the protection of all forest resources.

(13) *Question.* What are Forest Service personnel requirements? Do we have enough people to meet growing responsibilities?

Answer. More intensive forest management accompanied by advanced and more sophisticated technology has increased requirements for highly trained specialists. These special skills involve biometricians and statisticians in survey designs for systematic detection and biological evaluations, remote sensing specialists in use of aerial photography, pathologists and chemists in air pollution monitoring, microbiologists in biological control work, control specialists in ground and aerial application of chemicals, pesticide specialists and other qualified professionals in the adaptation of new technology through pilot projects to modify operational systems and for training of users in all phases of forest insect and disease management. More entomologists and pathologists are needed as a result of the required use of pesticides that have a short residual effectiveness requiring exacting and critical biological observations at frequent intervals for more precise application of the control effort.

These additional needs are being partially met through the employment of contractual services and by cooperative arrangements with States to utilize State personnel. However, the need for additional key professional people needs recognition and poses a difficult problem.

(14) *Question.* When should control projects be initiated? At what point in the life cycle?

Answer. Control projects should be initiated when infested areas are small in size, pest populations are at low levels, and losses are small.

Control measures are directed at the most vulnerable stage of a pest's life cycle. This occurs in the larval stage of insects and the infection stage of diseases.

(15) *Question.* How is research on insect and disease control methodology funded? How much? Who does it? What kinds of research? Is it adequate?

Answer. Research on forest insect and disease control methodology is funded primarily by the Federal Government, with some additional funding from States and other sources. We estimate the total funding for this research to be something in the neighborhood of \$22 million, of which about \$18 million is in the Forest Service budget. The research is carried out by scientists in the Forest Service, the Agricultural Research Service, the Animal and Plant Health Inspection Service, State agricultural experiment stations, universities, and other research institutions. The research includes a broad array of efforts, including biological, chemical, and silvicultural controls, genetic resistance, and their integration into effective pest management systems. The research is adequate to deal with the Douglas fir tussock moth, the southern pine beetle, and the gypsy moth, but is not adequate to provide effective controls for other major forest pests.

(16) *Question.* What are the basic types of control actions? Illustrate: (Defoliators, bark beetles, insecticides, biological, etc.)

Answer. Basic types of control actions:

1. Defoliators—Large-scale infestations of the gypsy moth, Douglas fir tussock moth, and the spruce budworm are controlled with one or two aerial applications of insecticides like Sevin-4-oil, Dylox, and Sumithion. Small infestations can be controlled with truck mounted or back pack spray equipment.

The larch casebearer is being controlled in small areas by the introduction of parasitic wasps.

2. Bark beetles—Control actions include; cutting and burning infested trees, removal by commercial sales; or by ground treatments of insecticides. Only two materials are registered by EPA for treating bark beetles: lindane and ethyl dibromide. Aerial control methods have not been developed to control beetles.

Silvicultural control methods have been successful in controlling some mountain pine beetle outbreaks. This is accomplished by reducing stress and strain on the stand by reducing the number of trees per acre through selective thinning and salvage logging of susceptible old growth trees.

Western white pine resistant to blister rust is now being planted in the Western United States and fusiform rust resistant pines are being developed in the Southeast.

Biological control agents including, bacteria, viruses, fungi, and predators and parasites are being developed and tested for use in controlling a wide range of forest insects. With the exception of the larch casebearer parasite, none are ready yet for use on a large scale.

(17) *Question.* How do States or private landowners apply for assistance in insect and disease control?

Answer. Cooperative forest insect and disease management programs are now in effect in thirty-eight States through cooperative agreements with the State Forester or appropriate State official. The State Forester directs and supervises a program in prevention, systematic detection and evaluation, and the suppression of forest pests on State and private lands through county, district, and State forestry offices.

Private landowners and managers of industrial tracts may receive assistance by contacting State field offices. Insect and disease control activities on non-Federal lands including suppression, are organized, coordinated, and directed by the State Forester. Assistance is readily available to all forest landowners at the local level.

The Forest Service provides technical assistance to States when requested and cost shares on State Forest Insect and Disease Management Programs and projects on a 50-50 basis. Requests for cooperative projects are processed through U.S. Forest Service Regional and Area field offices.

With additional States developing insect and disease management programs and with more adequate staffing and equipping of those now operating, financing needs for Cooperative State programs will increase. In addition to the increased operating costs of regular programs, there is urgent need for an accelerated program for adequate protection of tree improvement seed orchards, nurseries and plantations, and control of insects and fungi of unfinished wood products.

(18) *Question.* Do you have adequate authority in law to conduct both the research needed and to take the actions needed regarding forest insects and disease?

Answer. Research: The authority for forest insect and disease research provided by the McSweeney-McNary Act of 1928 is fully adequate for Forest Service research.

Action: Yes, assuming that the no-year funding amendment to the Forest Pest Control Act as proposed in H.R. 1670 is enacted.

(19) *Question.* Is there any other authority that you need to more effectively find and act on problems in this area?

Answer. No.

(20) *Question.* What has been the general level of funding for work designed to perform research and to detect and control insects and diseases?

Answer. Research: Forest insect and disease research in the Forest Service has been funded at \$17.9 million in FY 1975, including funds used by ARS, CSRS, and APHIS in the USDA Combined Forest Pest Research and Development Program. The request for this research in FY 1976 is \$18.1 million. We estimate that about \$4-\$5 million more is provided through other Federal, State, and private agencies for forest insect and disease research.

Action: General funding levels for forest pest action programs during the period FY 1973 through FY 1976 are as follows:

FUNDS FOR I. & D.C. PROGRAMS AND PROJECTS BY FEDERAL AND STATE

	Federal appropriation	Federal supplemental	Total Federal	Total State funds	Total all funds
Fiscal year:					
1973.....	\$10,690,000	¹ \$1,400,000	\$12,090,000	\$4,347,564	\$16,464,564
1974.....	10,969,000	6,463,000	17,432,000	6,459,500	23,891,500
1975.....	11,462,000	² 5,260,000	² 16,722,000	² 6,073,359	² 22,795,359
1976.....	³ 11,579,000		11,579,000		

¹ Reprogramed from other Forest Service funding.

² Estimated.

³ Amount in fiscal year 1976 budget request.

(21) *Question.* What are the estimated annual losses from this source—in total and in relation to other losses? How does this relate to total timber growth and use?

Answer. In 1970, 4.5 billion cubic feet of growing stock and 2.6 billion cubic feet of sawtimber equaling 7.1 billion cubic feet was lost to destructive agents.

The 1966 timber review indicates 2.4 billion cubic feet of growing stock and 1.6 billion cubic feet of sawtimber were lost directly to insects and diseases.

This loss is equivalent to 40 percent of the timber harvested in the United States, and expressed in another form is equal to 20 percent of the national timber growth.

(22) *Question.* Would it be proper to say that there are annual endemic losses that are reducible?

Answer. Yes. Intensive resource management practices, early discovery, and prompt suppression can keep annual losses at low levels. In addition, the introduction of predators and parasites and development of resistant trees would help keep losses down.

(23) *Question.* Would it be proper to say that virtually annually there are epidemic loss levels from one or another source of insect or disease? About what have these been running?

Answer. For most years this is true. Approximately 500 species of insects and diseases cause some type of tree injury or mortality to forested lands of all ownerships nationwide. Approximately 26 insects and 10 diseases cause the major portion of damage or mortality.

Annual losses are unpredictable. Examples of estimated losses to timber and growth in areas where suppression is planned from various insect epidemics if uncontrolled are as follows:

Fiscal year 1974:	MMCF
Douglas fir tussock	70
Gypsy moth	10
Southern pine beetle	27
Fiscal year 1975:	
Spruce budworm	28
Mountain pine beetle	17

(24) *Question.* From a program management standpoint, would it be a wise policy to provide a level of funds based on average epidemic loss levels so that prompt action can be taken on these?

Answer. Yes. We do not have the capability to predict pest outbreaks that are caused by uncontrollable factors such as variations in humidity, temperature, parasite and predator populations, micro-organisms, and host susceptibility. Outbreaks in the past have occurred without foreknowledge or warning of their probable occurrence.

The availability of funds based on average epidemic losses in past years would permit the prompt implementation of needed suppression projects that would reduce both the extent and intensity of losses of forest resources. An example is an outbreak of the southern pine beetle in the Southeastern United States that has from five to seven generations per year, with a complete life cycle requiring less than 30 days in some locations. A delay in suppression effort of 60-90 days may increase the control effort and cost by 10 times or more.

(25) *Question.* What specific lines of attack would be most useful in containing potential epidemic level losses at endemic levels? What would you estimate the costs and benefits would be of such an approach?

Answer. Present technology does not permit us to predict sudden large-scale outbreaks of forest pests. However, intensive detection surveys and biological evaluations provide indications of *potential* outbreaks of epidemic pest populations. An early alert on a population buildup and prompt, effective suppression program would keep losses at low levels.

Costs and benefits of containing potential epidemic losses at low levels are not available. Early detection and prompt suppression action when the outbreak is building up would be less than the costs of trying to suppress large-scale outbreaks.

The best strategy for a long-term solution to containing potential outbreaks is employment of silvicultural practices which insure and foster vigorous tree growth and stand conditions.

(26) *Question.* Would you describe the role that silvicultural management can play in holding losses from insects and disease to endemic levels?

Answer. Sound silvicultural practices are essential in holding insect and disease losses to low levels. Planting genetic resistant tree species, avoiding planting of large blocks of the same tree species, and thinning trees for proper spacing provide for vigorous growth and healthy strong stands of timber. Avoidance of excessive disturbances from timber harvest and timely harvesting of dead, dying, and susceptible host trees contribute to a strong stand. Prompt salvage of wind thrown trees from winds and strong storms insures removal of insect and disease susceptible host type.

(27) *Question.* Would you define for us what might be considered the "endemic loss level" that would be tolerable?

Answer. Tolerable endemic loss level is very hard to define. There is a constant impact from insects and diseases that result in low levels of growth loss and free

mortality. The importance of the loss is dependent on the land manager's resource management objectives. For example, little or no loss can be tolerated in a seed orchard or recreation area but high losses can be tolerated in a wilderness area.

(28) *Question.* Would you describe, for the major species with commercial and esthetic values the incidence of epidemic insect attack, the losses that have been experienced in the last decade, and the conditions that seem to have caused the situation?

Answer. Losses experienced in last decade:

Gypsy moth—6 MM acres defoliated;
Spruce budworm (72, 73, & 74 only)—67 MMCF;
Tussock moth—130 MMCF;
Southern pine beetle—1,069 MMCF; and
Mountain pine beetle—134 MMCF.

Conditions that may have caused the outbreak situation:

- conversion of mixed stands to pest-susceptible single or double species stands;
- extensive occurrence of trees under stress caused by drought, flooding, or storm damage, or a high incidence of foliage or root disease;
- failure of management to respond promptly against incipient levels of attack;
- uncoordinated suppression activities by all landowners against outbreaks on multiple ownerships;
- prolonged amelioration of naturally occurring biological and climatic control factors which encourages pest outbreaks;
- management practices which favor storage on the stump of mature and overmature timber or the establishment of overdense stands;
- lack of management capital which prevents application of needed silviculture techniques, and
- inadequate road systems which: (1) prevent access to major outbreaks in remote areas, and (2) increase prohibitively the cost of salvaging insect- and disease-killed timber.

(29) *Question.* Using the 20/20 hindsight that we all possess in abundance, will you describe for each major epidemic the actions that might have been taken that could have mitigated or averted this epidemic and the losses that might have been avoided?

Answer. The major epidemics could have been averted by intensive resource management priorities, a better understanding of pest population dynamics, early discovery and biological evaluation of small outbreak areas, and prompt suppression action.

Data from losses that could have been avoided are not available from any source.

(30) *Question.* There are about 92 million acres of commercial forest lands in the national forest system. There are about 500 million acres of commercial forest lands in the Nation. Are there any differences in stand composition, species, age or condition that could be used to differentiate between major ownership groups that would lead one to prescribe particular management prescriptions that would be useful in holding annual losses to endemic levels? Would such actions aid or compromise other sound management goals?

Answer. Management objectives on the three major landownership categories are creating differences in stand conditions on the respective ownerships:

National forest and other Federal lands are managed for multiple-uses. Sawtimber production and long rotations are the rule for the timber growing component of the plan. Management objectives which include wilderness areas and old growth stands necessarily incur a greater risk of forest pest outbreaks.

Industry-held lands are the most benefit-cost oriented and are managed for short rotation production of pulpwood and other wood fiber-using products. As a result, most industry lands are maintained in a vigorous growing condition which minimizes susceptibility to insect and disease attack.

Small private landownerships are the greatest potential source of wood fiber for the future and also the least intensively managed. A shortage of investment capital prevents application of needed silviculture technology. The relatively small acreages under individual ownership creates additional problems of coordinating prompt responses to incipient pest outbreaks.

For all management categories, the objective is to achieve and maintain a healthy forest. A successful pest management program requires the integration of complementary management tactics into a single coordinated strategy.

(31) *Question.* You use site class definitions to describe actual rate of growth and potential rate of growth on forest land. As I understand it, a rate of 20 cubic feet of growth per acre is the minimum commercial amount—70 prerepresents the average and over 120 is excellent. In addition, the volume of wood carried per acre in the growing stock inventory is an important factor. This varies widely by region and species as well as by stand age. Finally, there is a less readily measurable quality factor which determines the range of real utility the commercial species have for commercial use. Could you outline for us the major characteristics of the various ownership classes and set forth what these mean as to our forest future?

Answer. The characteristics associated with timber quality and volume production are functions of management objectives, such as products or uses, site quality, and the resources available for investment in action to achieve respective objectives. For example, quality is relative to the product for which the wood is to be used and dependent on the time available (growth period or rotation) for growing the tree(s) and the stand densities manageable over such period. Such characteristics are not readily identified or associated with ownership classes.

Approximately 300 million acres or 59 percent of commercial timberland is in non-industrial private ownership. An adequate supply of forest resources for the future hinges on the protection of this acreage from forest insects and diseases.

(32) *Question.* Would it be correct to suggest that a proper road network throughout a forest is an aid not only to overall management but also specifically to early control of possible epidemic outbreaks of insects and diseases? Would this be more true in an old forest than in a young forest? Would this be more true then in the national forests than in other forests that do not have such large stocks of older timber?

Answer. A proper road network throughout a forest is definitely an aid to overall management and to early control of possible epidemic outbreak of insects and diseases. This is generally more true in an old forest than a young forest assuming that an old forest is more susceptible—because it is overmature, decadent, or stagnant—to attack by insects and disease than a young forest which may or may not have had management treatments to maintain it as a healthy, vigorous stand of trees. Old-growth, overmature stands and dense younger stands are likely to be more susceptible to such attacks than younger well-managed stands on other lands. The key to avoiding pest outbreaks is to keep all stands in a healthy, vigorous condition. The age of the trees is but one factor contributing to stand susceptibility to insect and disease attack.

(33) *Question.* Is your present road system and its rate and mode of implementation adequate to secure a high level of silvicultural management?

Answer. No. Approximately 56 million acres of National Forest land is unroaded in addition to the established wilderness areas. Nearly half of the areas which are accessible are inadequately roaded for intensive silvicultural management.

(34) *Question.* How many acres are there in the wilderness system? How many acres are "commercial" forest and how many acres are noncommercial forest and woodlands?

Answer. There are 85 units totaling 11.6 million acres within the wilderness system on National Forest lands. By definition none of the forested acres in wilderness are classified as commercial forest lands. A total of 17.2 million acres of timberland in the United States has been classified as "productive reserve."

(35) *Question.* What effect do these reserved areas have on insect and disease conditions as well as your ability and strategies to contain them at endemic levels?

Answer. Factors that contribute to pest outbreaks are the same for all areas regardless of land status. Therefore, insect and disease conditions in wilderness areas are generally no different than the surrounding forest area. Outbreaks reaching epidemic status in wilderness areas can threaten adjacent resources.

(36) *Question.* Directly on point with H.R. 1670—What would you estimate to be your annual fund requirements in current dollars to carry out a regular program of research and action to hold insect and disease losses to reasonable endemic levels? How does this compare with your 1976 budget request?

Answer. Research—Based on preliminary estimates, we would need approximately double our present budget for Forest Insect and Disease Research to provide management alternatives within a reasonable time for such major forest pests as the spruce budworms, the mountain pine beetle, and dwarf mistletoe.

As the current concentrated effort on Douglas fir tussock moth, southern pine beetle and gypsy moth reaches the point at which we can provide effective techniques for managing those pests, we would propose initiating research on other major forest pests.

Action—Recent appropriations provided under the Forest Pest Control Act for Forest Insect and Disease Management programs and projects have not been sufficient to adequately protect the forest resource. Because of the additional requirements that have been imposed on the Forest Insect and Disease Management program, all available funds have been utilized leaving a number of important activities unfinanced or only partially financed.

Additional funding is needed for increased detection and evaluation activities in order to discover insect and disease problems earlier and to decrease the time needed for implementing suppression efforts; survey techniques must also be improved and new methods developed. A comprehensive program of pilot projects is needed to evaluate on an operational basis promising new control systems including safer, more effective chemicals. Increased insect and disease management training for both Federal and State personnel is needed, particularly as it concerns the safe use of pesticides and certification of pesticide applicators. An accelerated effort is urgently needed to gather better forest resource impact data and carry out project monitoring activities in order that better decision models and strategies can be developed concerned the suppression of critical insect and disease populations with limited funds. We estimate that about a 50 percent increase in the regular appropriation would enable us to do a more adequate job.

Approximately half of these funds would be used for financing Forest Insect and Disease Management activities on Forest Service, USDI, and other Federal lands; the balance would be spent on State and private lands.

In addition to the program increases just cited, there is an urgent need to establish a contingency reserve with amount of \$10,000,000 for financing critical suppression projects on a timely basis.

BUSINESS MEETING

APRIL 24, 1975

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

Mr. LITTON. I call the subcommittee to order for purposes of markup on H.R. 1670. I understand we have two other members of the committee who are on their way here and who will be here very shortly. At this time, the bill is ready to be considered for amendment and for that purpose I recognize Mr. Symms.

Mr. SYMMS. Thank you, Mr. Chairman. I would like to offer the following amendment which I think is before all the members of the committee. On page 1, line 7, following the word "such," insert, "sums appropriated for fiscal year 1975 and thereafter."

Mr. Chairman, the purpose of this amendment was covered in the hearing. This would make available the funds which have already been appropriated in fiscal year 1975 so that the ongoing projects we are trying to protect with this legislation would stabilize immediately upon the signing of the bill by the President. They would not require an additional supplemental appropriation from the Appropriations Committee.

If there are no comments or questions, I move that amendment.

Mr. VIGORITO. I second the move.

Mr. LITTON. Is there any discussion on the amendment as made by Mr. Symms?

Mr. KREBS. Mr. Chairman, I know Mr. Symms meant to say line 6.

Mr. LITTON. Page 1, line 6?

Mr. MURRAY. No; line 7.

Mr. KREBS. Excuse me, Mr. Symms. That was the one I had here and I didn't want the record to be confused.

Mr. SYMMS. I will reread the amendment on page 1, line 7, following the word, "sums" to insert the following, "appropriated for fiscal year 1975 and thereafter."

Mr. LITTON. Are there any other questions?

Mr. WEAVER. Mr. Chairman, by that language, would that carry the authorization for an indefinite period or is there a cutoff?

Mr. LITTON. I will have Mr. Symms answer.

Mr. SYMMS. I will ask counsel to answer that for you.

Mr. MURRAY. This language would make the appropriation available from fiscal year to fiscal year, starting with fiscal year 1975, which still has about 2 months of life.

Mr. WEAVER. The authorization, then, would extend indefinitely? Mr. Chairman, I have a motion to amend the amendment.

Mr. LITTON. Please offer your amendment. Mr. Weaver is recognized for the purpose of making an amendment to the amendment offered by Mr. Symms.

Mr. WEAVER. I would like to include after 1975, striking, "thereafter" and insert, "until June 30, 1977."

I feel that the pest control should be reviewed from time to time. I believe that the authorization is a very good vehicle for the pest control program and that the next 2 years are sufficient to allow the Forest Service and others to do an adequate job.

Mr. LITTON. Is there any discussion or comment on the amendment?

Mr. SYMMS. I would only ask one question of the gentleman. I have no serious objections to it although I wonder if the gentleman has considered that this may cause a problem in the conference on the legislation which has already passed the Senate. It may hamper the availability of the funds this year.

Mr. WEAVER. If the gentleman would yield, I am sorry I was not here for the full meeting. I have a markup planned in another meeting otherwise I would have been here.

Does the gentleman's amendment itself conform to the Senate bill?

Mr. SYMMS. No; it does not.

Mr. WEAVER. So a conference would be required by your amendment? I would request that now.

Mr. MURRAY. We would like to raise one technical aspect of your amendment. The Budget Control Act is going to change fiscal years starting in 1976. We will go off June 30 and on September 30, starting September 1976. You may want to conform your amendment to the new fiscal year that will be down the line 2 years.

Mr. WEAVER. I request unanimous consent to amend my amendment, to strike, "June 30, 1977" and make it, "September 30, 1977."

Mr. LITTON. Is there no objection? The Chair hears none. The amendment to the amendment will read, "thereafter until September 30, 1977." Does counsel have any comment?

Mr. MURRAY. I want to make sure that Mr. Weaver intends to amend the law to be in such form that funds can be used and carried over in this fiscal year 1975 then into fiscal years 1976 and 1977. You don't mean to strike 1975 in your amendment to the Symms amendment, do you?

Mr. WEAVER. No.

Mr. MURRAY. So you keep the opportunity for the Forest Service to be able to use the carryover funds still this fiscal year. In effect, your amendment is terminating this authority for carryover after 2 years?

Mr. WEAVER. That is my intention, Mr. Murray, that is my amendment.

Mr. MURRAY. If the committee will give its consent to make sure we have it worded in the right form and place to do that, we certainly can do so.

Mr. LITTON. It is my understanding, Mr. Weaver, that your amendment to the amendment sees to it that the Service will indeed come back to this committee for the same authority for carryover of funds every 2 years?

Mr. WEAVER. At least every 2 years.

Mr. SYMMS. Mr. Chairman, if I could speak to that, I would say that I appreciate the gentleman's motive in what he is trying to accomplish. In many cases, I have voted for amendments either in committee or on the House floor calling for an oversight. However, the problem as the witnesses have testified here before us is that we

do not have an ongoing pest control research project. This means that we are going to have to add one more committee in the Congress for oversight hearings on forest pest control.

I feel that we do have a review of the projects by the Appropriations Committee. Knowing the problem and the necessity to have ongoing projects, I think I will probably vote against the amendment if it does not specify oversight as a role of this subcommittee. I still intend to vote for the bill. I think it is a very good motive the gentleman from Oregon has but I feel like it may just be an encumbrance to this legislation and will further slow down pest research. I urge the Members to vote against the amendment.

Mr. KREBS. Mr. Chairman, if I may comment on Mr. Weaver's amendment to the amendment. I do appreciate his concern and his oversight feelings but I wonder whether this could not be accomplished by some accompanying language requiring an annual report from the Department rather than encumber the amendment.

Mr. LITTON. For the purpose of our colleagues who have just joined us, we are in the midst of markup for H.R. 1670, and considering an amendment offered by Mr. Symms.

The Symms amendment would permit the change to take place in this fiscal year. The main purpose of H.R. 1670 is to permit the Forest Service to carryover funds for pest control from one year to the next.

The amendment to the amendment offered by Mr. Weaver would limit this to a 2-year term. This means that the Forest Service would then need to come back to the committee to have the opportunity and right to have carryover funds 2 years from this date, am I correct in this summary of your amendment, Mr. Weaver?

Mr. WEAVER. Yes.

Mr. LITTON. Is there any other comment or discussion on the amendment to the amendment offered by Mr. Weaver? If not, all those in favor of the amendment by Mr. Weaver, please raise your right hand.

Mr. Weaver, Mr. Vigorito.

Opposed?

Mr. Mathis, Mr. Krebs, Mr. Symms, Mr. Melcher, and Mr. Johnson.

Five to two; the amendment fails.

All those in favor of the amendment offered by Mr. Symms which reads, "such sums appropriated for fiscal year 1975 and thereafter to remain available until expended," indicate by raising your right hand.

Unanimous vote.

Mr. LITTON. Are there any other amendments?

Mr. SYMMS. I move the final passage of H.R. 1670.

Mr. KREBS. I second it.

Mr. LITTON. The motion has been made and seconded for the final passage of H.R. 1670. Is there any discussion? All those in favor raise your right hand.

Mr. MATHIS. For the record, could we have a rollcall?

Mr. LITTON. Certainly. Please read the roll.

The CLERK. Mr. Melcher?

[No response.]

The CLERK. Mr. Weaver?

Mr. WEAVER. Aye.

The CLERK. Mr. Vigorito?

Mr. VIGORITO. Aye.

The CLERK. Mr. Krebs?

Mr. KREBS. Aye.

The CLERK. Mr. Brown.

Mr. LITTON. I have his proxy; I vote him aye.

The CLERK. Mr. Mathis?

Mr. MATHIS. Aye.

The CLERK. Mr. Symms?

Mr. SYMMS. Aye.

The CLERK. Mr. Johnson?

Mr. JOHNSON. Aye.

The CLERK. Mr. Kelly?

[No response.]

The CLERK. Mr. Litton?

Mr. LITTON. Aye.

The CLERK. Eight votes for; none against.

Mr. LITTON. At this time, I will recognize Mr. Symms for the purpose of a motion.

Mr. SYMMS. Mr. Chairman, I move that the subcommittee chairman introduce a clean bill with H.R. 1670 and the amendments thereto with cosponsors, if there are some, and then move that bill on to the full Committee on Agriculture.

Mr. VIGORITO. I second it.

Mr. LITTON. Any discussion? All those in favor of the motion by Mr. Symms, raise your right hand.

Unanimous vote.

The motion is carried. The subcommittee is adjourned.

[Whereupon, at 11:30 a.m., the subcommittee was adjourned.]

BUSINESS MEETING

WEDNESDAY, MAY 7, 1975

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The committee met at 10:10 a.m., pursuant to call, in room 1301, Longworth House Office Building, Hon. Thomas S. Foley (chairman) presiding.

Present: Representatives Foley, Poage, Vigorito, Jones of Tennessee, Bergland, Brown, Bowen, Breckinridge, Richmond, Nolan, Weaver, Baldus, Krebs, Harkin, Hightower, Bedell, McHugh, English, Fithian, Jenrette, D'Amours, Wampler, Sebelius, Findley, Thone, Symms, Johnson, Madigan, Peyser, Jeffords, Grassley, and Moore.

Staff present: Robert M. Bor, counsel; Hyde H. Murray, counsel; John Hogan, associate counsel; Steve Allen and Nick Ashmore, staff consultants.

The CHAIRMAN. The committee meets this morning for the consideration of H.R. 6363, an amendment to the Forest Pest Control Act of 1974.

[H.R. 6363, introduced by Mr. Litton and others follows:]

94TH CONGRESS
1ST SESSION

H. R. 6363

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1975

Mr. LITTON (for himself, Mr. COHEN, Mr. MELCHER, Mr. VIGORITO, Mr. KREBS, Mr. BROWN of California, Mr. MATHIS, Mr. SYMMS, and Mr. JOHNSON of Colorado) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Forest Pest Control Act of June 25, 1947.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first sentence of section 5 of the Forest Pest Con-
4 trol Act of June 25, 1947 (61 Stat. 177; 16 U.S.C. 594-1
5 through 594-5), is amended by changing the period at the
6 end thereof to a comma and adding the following: "such
7 sums appropriated for fiscal year 1975 and thereafter to re-
8 main available until expended."

I

The CHAIRMAN. Before we proceed with the report of the distinguished Chairman of the Subcommittee on Forests, however, the Chair recognizes Mr. Nolan.

Mr. NOLAN. Before we get underway I would like to take just a moment of your time to introduce to the committee a group of distinguished Minnesotans who have worked and spent much of their life working in the area of rural development helping to support a strong rural and agricultural economy. This is a group of Minnesota bankers.

I would like to recognize them and have them stand.

The CHAIRMAN. We are happy to welcome you gentlemen this morning.

The Chair recognizes the gentleman from Missouri, Mr. Litton, for a report on his subcommittee's bill.

Mr. LITTON. H.R. 6363 is reasonably noncontroversial. We have the support of the Administration and so far as I know no one has opposed the bill which was reported out of our subcommittee unanimously. In essence, what we are trying to do is to permit the Forest Service to do their pest control work in an efficient manner. In the past we had difficulty in coordinating the sex life of the pests with the fiscal year. Whenever the fiscal year ends and we are in the middle of some kind of pest control and waiting for an appropriation we have to discontinue the work. Anybody dealing in this work realizes the difficulties of being required to start again. It, of course, can make it much more costly.

What we have in the legislation is nothing more than the permission for the Forest Service to carry over the funds from one fiscal year to the next. They have had to go back for supplemental appropriations in 4 out of the last 12 years. They are in the process of doing that now for \$5.3 million. If they get that they will have to spend it by June 30 which would not be a reasonable way to attempt to spend \$5 million.

I don't think we have any problem with the bill. It is a simple piece of legislation. I would like to move that bill S. 441, which is similar to H.R. 6363, be considered by the full committee and that the enacting clause be stricken and the provision of H.R. 6363 be inserted in lieu thereof and be reported to the House for action.

The CHAIRMAN. Without objection, the bill S. 441 will be taken up by the committee. The amendment to that bill striking everything after the enactment clause and substituting in its place the language of H.R. 6363 will be adopted.

Before we take up any further amendments, is there any objection to this?

If not, it is so ordered.

I would like the gentleman to withhold his motion to report the bill until we have other members' comments.

Mr. FINDLEY. Were hearings held?

Mr. LITTON. Yes; they were.

Mr. POAGE. It seems to me that the bill is good. I think the idea of using this money without the break is sound business. However, it gives conflict to the procedure of appropriations. Have you had any contact with the appropriations people?

Mr. LITTON. Not with the committee itself, but during the course of our hearings no questions were raised by anyone. No, frankly, we did not discuss it with the people in appropriations.

Mr. POAGE. I am for it. I don't mean to criticize it. But, we should bear in mind that we are likely to get some opposition.

Mr. LITTON. I might add that one of the problems is that on many of these programs we have matching funds with the States. Some of the States meet every other year, and we find it difficult for a State to appropriate funds on a matching fund basis when they are not sure that there will be Federal funds available. So, this is one of the problems that we have had.

The CHAIRMAN. I would like to ask counsel if we have received any communications from the Appropriations Committee.

Mr. MURRY. No, Mr. Chairman.

Mr. ASHMORE. The former chairman of the subcommittee, Mrs. Hansen, indicated in hearings last year that she would look favorably on this committee taking this type of action.

The CHAIRMAN. Is there any other discussion?

Mr. VIGORITO. In the current issue of Time magazine, in the environment section, it says that Secretary Butz has discontinued further research into the control of the resilient red ant. I understand that this ant came into this country about 15 or 20 years ago. Conceivably, it could cover two-thirds of the United States. I am concerned about it. According to the article, it is a horrible thing to discontinue this research.

There only seems to be one chemical that does the trick, and yet the EPA has banned it as harmful to shellfish. So, I am wondering if there are any funds for continued research into other chemicals which could eliminate the resilient red ant.

The CHAIRMAN. I think the gentleman is referring to the fire ant. The Department of Agriculture has determined that there be a cooperative program between the States and the Federal Government and that an agreement be arrived at between the EPA and the Department as to how they should proceed with the program. As I understand it, the Department has traditionally favored a program of eradication. It is its feeling that an all-out effort would be successful in almost totally eliminating this particular pest. EPA, however, appears to have serious doubt that the eradication is attainable. For this reason, EPA favors a control program.

As yet the two agencies have reached no compromise, and the Department of Agriculture has decided to suspend the program.

This does not mean that individual farmers cannot utilize the chemical on their own.

Mr. POAGE. If I understand it, the decision on that doesn't say that the individual farmer can't do it. As long as EPA will not allow this to be used, the individual farmer cannot do anything about it. He can go out there and use Highlife if he wants to kill red ants. That is what we used when I was a boy. You can kill them all with the Mirex. You can kill the fire ant with the Mirex.

But, you don't destroy any of the eggs that are in the nest. There is always, in any of these ant nests, a multitude of eggs that can hatch. Then, in the next few days there will be enough pests to reestablish the colony.

If I understand the crux of this thing, the Department of Agriculture says that it is foolish to go out there and put one dose of Mirex out. The EPA has agreed that you can apply one treatment; if later in the year, you cannot follow it up with another treatment to kill the new ones, then it is no use. You have to do several treatments.

As I understand it, that is the crux of the difficulty between the Department and the Agency. The Department of Agriculture thinks that if you are going to spend money on it, then you ought to repeat it enough times to destroy the oncoming generations of ants. The EPA says:

Kill off your ants early in the season at one time, and then don't bother about the young ones; just wait until next year to kill them.

The CHAIRMAN. I think it is correct that the Department would support a major eradication effort as more efficacious and less costly in the long run than the EPA's approach.

Mr. POAGE. The EPA will not let me go out and buy the stuff and put it out there. So the result is that there is not any effective way of controlling these ants. They are moving North and West very rapidly.

The CHAIRMAN. I would think, Mr. Vigorito, that we might more properly discuss this matter when we take up the Federal Insecticide Act since it does not specifically pertain to this legislation dealing with the appropriations holdover for forest pest control.

Before I recognize the chairman of the subcommittee, are there any other comments or questions regarding this bill?

Mr. JOHNSON. We feel that this bill is necessary in my part of the West. It doesn't cost any more to the Government. It is a housekeeping type of bill that I think is necessary.

The Chairman. I think, as a matter of fact, you can make the argument that it saves the Government money by the more effective application of pest control.

Mr. LITTON. I was just going to comment on the comment by the gentleman from Texas, with regard to continuous application.

To get the job done in this particular case requires continuous application. This is why we need this particular legislation. If you happen to break the cycle at the time that the fiscal year expires and the funds are not available for continued application, then they have to start all over at another point in time. This is more costly.

Mr. JOHNSON. One of the real problems is where you have a State and Federal forest side by side and the Federal Government can't continue with its program.

Mr. GRASSLEY. Mr. Litton, I missed the point on the reason for the substitution of the House bill for the Senate bill.

Mr. LITTON. We would like to send the Senate bill on over so that it will not have to go to conference.

Mr. GRASSLEY. Are there differences between the House and the Senate bills?

Mr. LITTON. We made a change in the Senate bill. We substituted language which would make it applicable to this year. The Senate would not make it applicable to this fiscal year. That is the only change.

The bill, I might add, passed unanimously in the Senate last year but was too late to be acted upon this year. It passed again unanimously this year and passed our subcommittee unanimously.

The CHAIRMAN. The gentleman from Missouri is recognized to offer a motion.

Mr. LITTON. I would like to move that the committee act favorably on the legislation and consider it under suspension. Would it be appropriate for me to make that recommendation now?

The CHAIRMAN. Yes; if you want to.

Before we put the motion; will all those in favor of putting forward the bill S. 441, signifying by saying "aye." Opposed: "no."

The ayes have it. The bill will be favorably reported. Does the gentleman from Missouri recommend that we take this up on the suspension calendar?

Mr. LITTON. I would so move.

The CHAIRMAN. I would like to inform the committee that we intend to check with the Appropriations Committee to determine its attitude with respect to the legislation. We have no wish to run into any unforeseeable opposition from that quarter.

Then, if there is some general agreement, I think we will approach the Speaker and suggest that this go on the suspension calendar. Are there any objections to that procedure? If not, that will be our plan.

[The committee then proceeded to other business.]

COOPERATIVE AGREEMENTS REIMBURSEMENTS

THURSDAY, JUNE 19, 1975

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:15 p.m., in room 1301, Longworth House Office Building, Hon. Jerry Litton (chairman of the subcommittee) presiding.

Present: Representatives Melcher, Litton, Weaver, Krebs, Symms, Johnson, and Kelly.

Also present: Robert M. Bor, counsel; John E. Hogan, associate counsel; Nick Ashmore, staff consultant; Margo Shildkret and Susan Bell, staff assistants.

Mr. LITTON. The subcommittee will come to order.

The hearing this afternoon has been called on H.R. 5634 introduced by our distinguished colleague, Al Ullman.

It authorizes the Secretary of Agriculture to reimburse cooperators for work performed for the benefit of the Forest Service programs.

[The bill H.R. 5634 and the report from the U.S. Department of Agriculture follow:]

94TH CONGRESS
1ST SESSION

H. R. 5634

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1975

Mr. ULLMAN (for himself, Mr. AuCOIN, Mr. DUNCAN of Oregon, and Mr. WEAVER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to reimburse co-operators for work performed which benefits Forest Service programs.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Secretary of Agriculture is authorized to include
- 4 in cooperative agreements between the Forest Service and
- 5 public or private agencies, organizations, institutions, and
- 6 persons, arrangements for reimbursement of such co-operators
- 7 by the Forest Service for the performance of work by them
- 8 for the benefit of programs and activities of the Forest Serv-
- 9 ice. The Secretary shall enter into such agreements only
- 10 when he determines that the public interest will be benefited

1 through advancement of Forest Service programs and that
2 there exists a mutual interest between the Forest Service
3 and a cooperator other than monetary considerations. The
4 Secretary may reimburse such cooperators from appropria-
5 tions available for work similar to that performed under an
6 agreement, or by transfer in kind of materials, supplies, or
7 equipment involved in cooperative work, without regard to
8 the provisions of the Act of January 31, 1823 (3 Stat. 723,
9 as amended; 31 U.S.C. 529), relating to the advance of
10 public moneys.

11 SEC. 2. In any agreement authorized by section 1 of this
12 Act cooperators and their employees or other aides may
13 perform cooperative work under supervision of the Forest
14 Service in emergencies or otherwise as mutually agreed to,
15 and shall not be deemed to be Federal employees other than
16 for the purposes of chapter 171 of title 28, United States
17 Code, and other Federal tort liability laws, chapter 81 of
18 title 5, United States Code, and the Act of July 16, 1914
19 (38 Stat. 508, as amended; 31 U.S.C. 638a).



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

June 18, 1975

Honorable Thomas S. Foley
Chairman, Committee on Agriculture
House of Representatives

Dear Mr. Chairman:

As you requested, Here is our report on H.R. 5634, a bill "To authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs."

The Department of Agriculture recommends that the bill be enacted with the amendment suggested herein.

H.R. 5634 would authorize the Secretary of Agriculture to include in cooperative agreements between the Forest Service and public and private agencies, organizations, institutions, and persons arrangements for reimbursing such cooperators for the performance of work by them which benefits Forest Service programs. Such agreements could only be entered into where the public interest will be benefited and where there exists a mutual interest other than monetary consideration. Further under these agreements, cooperators and their employees would be able to perform cooperative work under supervision of the Forest Service in emergencies or otherwise as mutually agreed to.

The Forest Service has authority under existing law to accept cooperative contributions and to perform work for the benefit of cooperators at their expense. In certain activities, specified classes of cooperators may perform work or furnish services to the Forest Service on a reimbursable or advance payment basis. These activities include road construction and maintenance, fire suppression, forest research, cooperation with States in the form of grants-in-aid, and cooperative law enforcement.

However, under existing law the Forest Service does not have clear authority to have cooperators perform general work or furnish services and facilities of benefit to any authorized Forest Service activity. H.R. 5634 would complement existing cooperative authorities by clarifying the Forest Service authority to reimburse cooperators for work performed by them for the benefit of Forest Service programs and activities and by permitting the equitable and most efficient utilization of each party's manpower and other resources in the attainment of common objectives. The new cooperative authority would not be used in place of regular procurement or employment where such procedures are appropriate.

Honorable Thomas S. Foley

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An example of a situation where this additional authority is needed is in the use of State fire crews. Existing authority allows the Forest Service to use these crews in fire suppression. The new authority contained in H.R. 5634 would allow use and reimbursement of these crews on needed non-fire work on National Forest land during periods of relatively low fire hazard as part of mutually agreed to cooperative arrangements. Such use would serve both State and Federal purposes by assuring that these crews would be readily available in emergency fire situations.

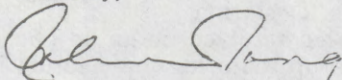
The authority in section 2 to permit the Forest Service to supervise the cooperator and his employees would broaden and facilitate opportunities for cooperation and clarify the relationship of the parties. For example, the Forest Service participates with other agencies in cooperative agreements to provide meaningful work experience in various public manpower and youth development programs. It is sometimes desirable as part of the agreement for cooperators or program participants to work under Forest Service supervision. H.R. 5634 would provide clear authority for such supervision, but under the bill, such arrangements for supervision would not establish an employer-employee relationship. Cooperators, their employees or other aids would not be deemed Federal employees except for the purpose of Federal tort liability, work-connected injuries, and the use of Federally-owned or leased passenger vehicles and aircraft.

As a perfecting amendment we recommend that line 7 on page 1 of the bill be amended by inserting between the words "work" and "by" the phrase "and for the furnishing of services or facilities." The insertion of this phrase would clarify the meaning of cooperative work as used in H.R. 5634 and clarify the existing Forest Service authority to enter into cooperative agreements for joint use and maintenance of facilities and joint development of environmental education materials.

No increase in appropriations would be required by enactment of H.R. 5634.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,



ROBERT W. LONG
Acting Secretary

Mr. LITTON. The subcommittee is aware that the Forest Service may enter into cooperative agreements with public or private agencies, organizations, institutions, or individual farmworkers.

Such funds are deposited in a cooperative fund and unused funds are returned to the cooperators.

Members are aware also that there is a statutory authority for the Forest Service to enter into a cooperative agreement in certain instances where the Forest Service may make advanced payments for reimbursement to cooperators. This, of course, includes cooperation in the construction and maintenance of forestry development—trails, roads, law enforcement, forestry research, fire prevention, and so on.

The bill, of course, addresses each of these cooperative agreements and authorizes the Secretary under certain circumstances to arrange for the reimbursement of such cooperators.

The subcommittee will be interested in identifying the specific problems which this legislation addresses, the extent of the problems, the benefits from the proposed legislation and the solutions, the problems—if any—that might be caused by the solutions proposed by the bill.

In this light, the subcommittee will be particularly interested in the cost-benefit ratio and the solution proposed by this legislation. The subcommittee is aware that the bill, as proposed, gives the Secretary discretionary power to enter into these agreements only when he decides that the public interest is served and that there exists a mutual interest between the Forest Service and the cooperators other than monetary considerations.

The members will appreciate receiving from the witnesses this afternoon a discussion of the provisions and would like to have from the Forest Service, for example, illustrations for these points.

Before we call on the witnesses, is there any member of the subcommittee who would like to comment or to make a statement?

Mr. Weaver?

MR. WEAVER. Mr. Chairman, I am very pleased to join Congressman Ullman and others in sponsoring this legislation.

It deals with a situation that has long been resolved on an ad hoc basis; namely, the many matters that come up requiring joint action by the Forest Service and its neighbors.

My district contains all or part of the six national forests with close to 4 million acres. They are intermingled with private, State, and other public land and they are heavily used for all the multiple uses from wilderness to logging. A casual observer often does not know if he is on national forest land or otherwise.

It is inevitable that, in matters of law enforcement, fire control, road construction and maintenance and many social programs, and so forth, the Forest Service should function with other agencies.

In some cases, it already has specified statutory authority to do so. In others it has not, particularly where it is the Forest Service which is the beneficiary and some compensation to the other party is called for.

It also needs clear statutory authority to supervise cooperators.

This bill will expedite a great many activities and programs which logically should include Forest Service participation: I hope it will soon be enacted.

Mr. LITTON. Does any other member of the subcommittee have a statement?

Our first witness this afternoon was to have been the distinguished chairman of the Committee on Ways and Means, Mr. Al Ullman. Unfortunately, he is tied up on the floor considering the Energy Conservation and Conversion Act. Appearing on his behalf is his Administrative Assistant, Mr. William Alberger.

We are happy to have you here, Mr. Alberger and we are sorry the chairman could not make it but under the circumstances we do understand.

Please, proceed.

Mr. ALBERGER. Thank you, Mr. Chairman.

Mr. Chairman and members of the Subcommittee on Forests, due to the press of business on the floor, it is not possible for Mr. Ullman to be here this afternoon. He asked me to attend and to express his regrets.

He asked that his statement be entered in the record in full and to indicate that his colleagues in the Oregon delegation, Mr. AuCoin and Mr. Duncan, specifically asked that they be associated with his remarks.

He had hoped to be able to attend and he greatly appreciates your subcommittee giving attention to this matter of great concern to the State of Oregon.

Rather than read his entire statement, I would just ask that it be entered into the record in full.

Mr. LITTON. Without objection, it will be entered into the record at this point.

[The statement to be inserted follows:]

STATEMENT OF HON. AL ULLMAN, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF OREGON

Mr. Chairman and members of the subcommittee, my bill, H.R. 5634, is of major importance to our nation's economy and possesses significant benefits for both the Forest Service, the several states, and private forest cooperators.

I have introduced this bill to authorize the Federal government to reimburse public and private parties for work performed which benefits Forest Service programs. The bill is co-sponsored by my Oregon colleagues Mr. AuCoin, Mr. Duncan, and Mr. Weaver. I have been encouraged by the Forest Service and supported by the Oregon State Forestry Department and the Oregon Forest Protection Association.

Under the provisions of this measure, the Secretary of Agriculture would be granted the authority to reimburse state governments and private parties when the Forest Service makes use of non-Federal crews for forest maintenance tasks.

The Forest Service has authority under existing law to reimburse these cooperators for the performance of certain limited services, including fire suppression. However, reimbursement for performing work of a general nature or for providing most services and facilities is prohibited under 41 U.S.C. 252, since it constitutes contracting for personal services.

The effect of this legislation, therefore, would be to merely broaden and clarify the Secretary of Agriculture's existing authority to reimburse non-Federal parties with which the Forest Service has entered into a cooperative arrangement.

With the passage of this legislation, the states would hire and train needed additional maintenance crews which would also be available in case of fire to perform services on both state and National forests.

By having these additional crews in the forests instead of at distant stations, fire fighters are immediately available when a fire breaks out, perhaps making the difference between a brush fire and a catastrophe.

The principal responsibility of these crews would be to perform needed forest maintenance work. Under the new authority granted by this bill, they would be used and reimbursed for performance of this non-fire work on National Forest land during periods of relatively low fire hazard. Such use would serve both state and Federal purposes through the accomplishment of projects that would otherwise be postponed or left undone due to a shortage of personnel and funds.

This legislation offers a variety of further benefits in addition to increased fire protection and maintenance capabilities.

Firstly, by putting on these additional crews, highly skilled Forest Service personnel are able to return to the high priority forest management functions for which they were trained and educated.

Secondly, by bringing federal, state, and private forest management efforts into cooperation, overall efficiency will be increased.

Thirdly, H.R. 5634 will assist local economies directly by providing seasonal employment for youths who badly need monetary payment as well as a constructive outlet of energies.

In examination of the overall cost vs. benefits of this bill, I believe that the benefits gained through fire prevention, protection of forests from insects and disease through increased maintenance, proper division of labor between manual crews and skilled personnel, and local employment which together amount to millions of dollars in Oregon alone is more than justified, considering that the Forest Service estimates that this program will be of no cost to the Federal government.

Wood is a basic resource, and like other resources it must be managed wisely in order to ensure that America will have more many years of the prosperity and enjoyment which our forests give us. H.R. 5634 is a significant and meaningful step toward the efficient and productive management of our forest resources and the recovery of our nation's vital timber and home building industries, affording a higher level of forest protection at a lesser cost.

I thank the Chairman and the Members of the Subcommittee for their efforts in setting up this important hearing, and I look forward to cooperating with you in getting this bill enacted into law.

Mr. LITTON. The next witness is Mr. J. E. Schroeder, State forester of Oregon.

Mr. Schroeder, we welcome you in Washington. We are happy to have you testify here today and we will be happy to receive your testimony.

Mr. SCHROEDER. Thank you, Mr. Chairman.

STATEMENT OF J. E. SCHROEDER, STATE FORESTER, OREGON STATE FORESTRY DEPARTMENT

Mr. SCHROEDER. I am J. E. Schroeder, State forester for the State of Oregon. I am here to make a supportive statement for H.R. 5634.

The State of Oregon, Department of Forestry, provides fire protection to 15 million acres of forest and rangeland in Oregon. Of this, 95 percent is in private and Federal ownership. Adjacent to and intermingled with the State protected lands are another 15 million acres of forest land owned and protected by the U.S. Forest Service.

Providing fire protection service only to over 14 million acres of other than State ownership is not economical as it is necessary to provide fire crews on a full-time basis that are only employed in fire suppression work about 20 percent of the time. It appears to us that it would be to the advantage of all agencies if these State fire crews could be used in work programs other than fire on Federal lands.

This bill would authorize the Secretary of Agriculture to negotiate agreements with State and other agencies to perform land management work on Federal land.

The legislative proposal would allow State fire crews to perform such cooperative work projects for Federal agencies as brush piling, hazard reduction, road maintenance, trail improvement, stream clearance, precommercial thinning, and campground improvement and maintenance.

There is a considerable number of mutual benefits inherent in such a cooperative work program. Some of these are:

(1) Availability of fire crews to both agencies is increased. State fire crews normally spend about 10 percent of their time fighting fire. Utilization of the State crews on Forest Service projects during the remaining 80 percent of the time allows the State to provide additionally needed fire crews available to all agencies which in turn reduce the potential increase in revenue loss because of large fires.

(2) The Forest Service is able to accomplish needed forest land improvement work that is not suitable for contract because of project size, location or nature of the project.

(3) The opportunity for local employment is increased through the hiring of additional fire crews.

(4) Skilled State and Forest Service personnel are often recruited in a fire control effort to the detriment of other programs where their special skills are needed. The cooperative fire crew program that this legislation would provide for would allow these skilled professionals to remain on their high priority programs.

(5) The benefits go beyond the borders of Oregon. Cooperative ventures between the Forest Service and other States will result in the best and most efficient use of both State and Federal funds.

Such a cooperative program is now carried on between the State Forestry Department and the private landowners as well as other Oregon State agencies to the mutual benefit of all. We cite this because from here we quote an experience factor that, as a result of this cooperative effort in the type of work we are talking about here of doing with the Forest Service we are able to accomplish approximately a 15-percent reduction on the cost to the private landowner for fire protection. So, we can turn this 15 percent around and say then that we can provide approximately the same percentage increase in effectiveness in fire control work if we did a better job of integrating and coordinating our crews.

Inasmuch as Forest Service lands are intermingled and adjacent to private and State lands, it would be a far more efficient program if the Forest Service could join in this cooperative effort.

That again could be turned around to provide greater fire protection services to both agencies.

In summary, it is the State of Oregon's belief that this legislation would greatly improve the firefighting capability of all agencies and, at the same time, get much needed land management work done on Federal lands at a minimum cost.

Thank you.

Mr. LITTON. If the gentlemen could stay with us for just a few minutes because, after Mr. McGuire's testimony, we would like to call you back for some questions.

Mr. SCHROEDER. I will.

Mr. LITTON. Our next witness is Mr. John McGuire, Chief of the Forest Service at the U.S. Department of Agriculture.

Please proceed, Mr. McGuire.

Mr. McGuire, we are happy to have you here and we will be pleased to hear your testimony at this time.

Mr. McGUIRE. Thank you, Mr. Chairman.

**STATEMENT OF JOHN R. McGUIRE, CHIEF, FOREST SERVICE, U.S.
DEPARTMENT OF AGRICULTURE**

Mr. McGUIRE. Mr. Chairman and members of the subcommittee, we appreciate the opportunity to present the views of the Department of Agriculture on H.R. 5634.

This bill would authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs. It would also permit cooperators and their employees to perform cooperative work under the supervision of Forest Service personnel.

H.R. 5634 would broaden and clarify existing authority governing cooperative arrangements between the Forest Service and others. Specifically the bill would provide clear authority in three areas of cooperative endeavor which are only broadly implied in existing authority.

First, it would clearly permit cooperators to perform work which benefits any Forest Service activity. Existing law, such as the Department of Agriculture Organic Act of 1862, has been broadly interpreted to permit cooperation by the Secretary of Agriculture to benefit any activity in which he is lawfully authorized to engage. However, the language of existing authority is not explicit.

Second, it would permit the Forest Service to reimburse cooperators who perform work benefiting any Forest Service activity. Existing law restricts reimbursement of cooperators to cooperative road and trail construction and maintenance, law enforcement, fire suppression, and forestry research.

Third, it would give clear authority for Forest Service personnel to supervise cooperators and/or their employees and aids, and in cases of such supervision, cover cooperators under Federal torts liability and work injury laws.

Examples of how this new authority might be applied include cooperative training through our State and private forestry programs and the joint development of Forest Service historical data and environmental education materials.

H.R. 5634 would also give clear authority to use State fire crews on nonfire cooperative work on national forest lands and to supervise participants in federally funded manpower development and training programs.

The Department recommends that H.R. 5634 be enacted. It would provide us with clear authority in the conduct of cooperative programs and allow us to fully take advantage of cooperative arrangements that will benefit forestry programs.

The Department of Agriculture has long supported and encouraged cooperation with other agencies, institutions, organizations, and individuals as a valid, efficient, and cost-effective method of accomplishing departmental objectives. Cooperation permits the equitable and efficient utilization of each party's manpower and other resources in the attainment of common objectives.

However, we would like to make clear that the authority contained in H.R. 5634 would not be used to circumvent regular procurement and employment procedures. The nature of cooperation is that each party has mutual objectives that can be more efficiently achieved by pooling resources.

We believe the provision in H.R. 5634, which requires a mutual interest other than monetary considerations, is sufficient to provide a distinction between this work and other work carried out under regular procurement and/or employment authority.

Moreover, the authority proposed in H.R. 5634 would be applied on a case-by-case basis dependent upon the situation. For example, let us consider the use of State fire crews performing nonfire work on nearby national forest lands. In this instance the cooperator and the Forest Service are mutually interested in assuring the availability of trained fire crews for use in emergency situations.

Out of four or five fire seasons there might be only one season in which there would be a need for special cooperative agreements. Yet, the broadened and clarified authority contained in H.R. 5634 is much needed for that one season, and we believe the mutual benefits that would be derived in such a situation support the need for this legislation.

In closing, we do recommend a minor amendment to the bill. We suggest that on page 1, line 7, the bill be amended to include "the furnishing of services or facilities" to clarify what is meant by "work performed by cooperators."

Again, we appreciate the opportunity to appear in support of this legislation, and I will be pleased to answer any questions you may have at this time.

Thank you, Mr. Chairman.

Mr. LITTON. Thank you, Mr. McGuire.

If Mr. Schroeder would join you at the table, we will try to proceed in such a way that it will permit you to catch your planes and take care of your commitments.

I have one quick question which was given to me by my colleague, Mr. Symms, who intends to be here later on for the hearing this afternoon, but he particularly wanted me to address this question to Mr. McGuire.

He said that several university people have expressed concern in the past that they are unable to assume the obligations incurred by the Forest Service in cooperative programs until such time as the present program which allows reimbursement. In some cases this has lead the universities to be prevented of undertaking worthwhile programs, whereas with payments in advance by the Forest Service programs, it could have been accomplished.

The question is: "Would the language in H.R. 5634 allow payment in advance?"

Mr. MCGUIRE. Mr. Chairman, the way the bill is written now, we believe that it would not allow payments in advance. It would require reimbursements after the activities performed.

However, we believe there would be, in some cases, advantages to providing for advanced payments as well as for reimbursement, because we recognize that there might be cases in cooperating with certain private groups, institutions, or individuals where the ability to advance funds ahead of the job to be done is the only way the job could get done.

In other words, the cooperator may have some legal restrictions on spending his own money and then being reimbursed later. I know some universities have this difficulty. We do have authority in the case of forestry research to advance funds where necessary, so that the university scientist can do the research with the money that we have given him ahead of time, because there is no way he can proceed with the money available to him from his own institution.

So, I think this would be an improvement.

Mr. LITTON. I understand. Mr. Symms would like to offer some amendments to the bill in this regard.

Mr. Melcher?

Mr. MELCHER. Thank you, Mr. Chairman.

Mr. Schroeder, is the principal concern of the bill that there be cooperative agreement for firefighting and fire protection?

Mr. SCHROEDER. Our principal concern is that with fire crews with our intermingled agencies involved that we can perform services that the Forest Service wants done other than fire. We have the authority for firefighters for the Forest Service—the emergency type—but we do not have authority to provide other type of forestry management functions.

Mr. MELCHER. Would you have some idea of how many dollars you are talking about?

Mr. SCHROEDER. No. I would not. All we are talking about is the service that, with our original estimate, would be that we have about 80 percent approximately over a period of time of our fire force's time available that they could be doing some other type of work—service work, but they are on standby and so, we are saying that, if we could utilize this time of ongoing crews and earn some revenue then we could strengthen each crew or we could reflect it in the saving on revenue back in our protection program.

We would prefer the strengthening of our fire organization.

Mr. MELCHER. How are you paid now?

Mr. SCHROEDER. How are we paid now?

In the Oregon programs we start out with a base of budget estimation of what our annual fire cost services are going to be. In eastern Oregon, for instance, it is about 10 to 11 percent of Fed moneys for the CM2 program that is made available as an offset here to crank into our organization. Then we split the balance of the cost by 50 percent each way between the landowner and the State.

Mr. MELCHER. When you say "landowner," you are talking about private?

Mr. SCHROEDER. There is an assessment to every fourth landowner, whether it be private, State, or local.

Mr. MELCHER. Are you suggesting in terms of dollars, which would be spent in Oregon that you are talking in terms of thousands or in terms of millions?

Mr. SCHROEDER. No, we are talking, I suspect, between the thousands and, possibly, the hundred thousands. It would not be in the millions.

Mr. MELCHER. Per year?

Mr. SCHROEDER. Yes.

Mr. MELCHER. Mr. McGuire, if the purpose of the bill is, as Mr. Schroeder says, to allow the Secretary to enter into cooperative agreements that involve spending of somewhere between \$1,000

and \$100,000 per year, and other Western and Eastern States would be treated likewise, could not the bill be drafted in such a way to reflect that that was the purpose of the bill?

Mr. McGUIRE. Yes, I think it could.

Mr. MELCHER. My assumption is that the Forest Service had a great deal to do with drafting the bill, but perhaps my assumption is wrong?

Mr. McGUIRE. No, sir, that is correct. The bill has been in our legislative program for the last three Congresses or so.

Mr. MELCHER. Is it not true that, as the bill is drafted, it involves any type of cooperative program that the Secretary would find worthy which would advance the Forest Service practices including all of the multiple use concepts?

Mr. McGUIRE. I would agree with the first part of your statement, but there is a good part of the overall program which is not appropriate for this approach.

Mr. MELCHER. The bill does not contain any limit.

Mr. McGUIRE. But the bill does not limit the authority because there is so much opportunity. We felt that it would be better to have the authority inasmuch as it is likely to result in savings of dollars for the Federal taxpayer.

Mr. MELCHER. Let us go through a few things.

As the bill is drafted, there could be a cooperative program dealing with grazing, isn't that correct?

Mr. McGUIRE. Conceivably.

Mr. MELCHER. With recreation?

Mr. McGUIRE. Yes, possibly.

Mr. MELCHER. With mining?

Mr. McGUIRE. I don't believe I see an example with mining.

Mr. MELCHER. Roadbuilding?

Mr. McGUIRE. Of course, we have that authority now for cooperative roadbuilding. Yes; you could say mining in that instance would be a possibility.

We might also have, for example, a mining company which would be engaged in some reclamation work to restore some land that has been disturbed by mining. It might so happen that we have some land adjacent to it which needs reclamation also. By joining forces, we might engage the same crew to do the whole job at once, thereby saving both of us some dollars.

Mr. MELCHER. Not only that, but this gives the Secretary of Agriculture the authority to enter in a cooperative agreement with the mining company for reclamation on Forest Service land which they probably ought to pay entirely out of their own pocket to begin with.

Mr. McGUIRE. If it is the same company, they should pay.

However, I am thinking of cases where we have acquired mined lands. They are now in Federal ownership. They might have been mines to begin with. So, the Federal Government has the responsibility of reclaiming those lands.

Mr. MELCHER. I understand that, but I am pointing out how broad it is.

Do you disagree that this would give statutory authority to the Secretary of Agriculture to enter into a cooperative agreement with a mining company for reclamation work on the forest for the very disturbance that it caused itself?

Mr. McGUIRE. No; there would not be any mutual interest there. I think that in the case where the mining company has caused the disturbance in the first place, there the mining company should be required to do the reclamation.

Mr. MELCHER. Then, I think the mutual interest should be well defined; that is, what mutual interest is.

Mr. McGUIRE. I agree.

Mr. MELCHER. My problem with the bill is not any problem of providing the State of Oregon and other States like that a better arrangement for a cooperative program on firefighting and use of the unproductive time of firefighters.

I have no problem with the bill in authorizing a limited amount of money.

But I do have a problem with the bill because it is so broad in doing all things in all instances because while you might not have trouble now to determine what is in the mutual interest of cooperators and the Forest Service program, and determine it in some way that the Congress would like it to be done, and Secretary Butz might agree with you, we don't know what is going to happen 10 or 20 years from now. It seems to me that you have proposed unlimited authority all in one ball of wax. You amend or supplement all sorts of laws which were enacted by Congress for specific purposes, and bundle everything in one unlimited authority.

I would favor the passage of the bill which has been described by Mr. Schroeder and the Oregon delegation, but I would like any legislation to identify what we are doing.

Mr. Chairman, I hope you are not winding up this bill. We are getting into a multiple-use concept. We are definitely talking about what happens in the forests and in other public domain, and on those points the Committee on Interior should be considered.

Mr. WEAVER. Would work performed have to primarily benefit the Forest Service, Mr. McGuire?

Mr. McGUIRE. The bill does not say that, Mr. Weaver. It says there should be mutual benefit.

However, the Forest Service would have to have a pretty strong benefit in order to justify laying out the dollars in the first place.

It is not a free service. We would still have to pay for it. We have to weigh each case as to the benefits from it against the alternative uses of the money.

Mr. WEAVER. But if the bill stipulated primary benefits to the Forest Service, would that be what you wish to do?

Mr. McGUIRE. I don't know whether that would give problems or not.

It would be conceivable that what we would regard as primary benefit, the cooperator might also get so much benefit out of it that he thinks it is a primary benefit to him. So, that is going to be a judgment in any case.

I don't see any great problems with that, but we certainly would want each agreement to have very strong benefits for the Forest Service. Thank you.

Mr. MELCHER. Would it not in fact satisfy your purpose as outlined by the gentleman from Oregon to state in the bill that you can enter into a cooperative agreement for the furtherance of the Forest Service program through the use of the extra services unused time of firefighters?

Mr. McGUIRE. That is one primary reason for our interest in this bill, but there are other reasons.

Mr. MELCHER. I know that. I am sympathetic to the other reasons as long as they are outlined in specifics, but the broad, unlimited authority gives me a problem.

I just want to know what you want us to put in the statute in a specific way. I would like to see the limitations on what you could do—how far and how long you could go.

Mr. McGUIRE. We conceive a variety of cases. Most of them are rather small.

For example, if a community wants to develop a sanitary landfill, and we also need a sanitary landfill, it would be beneficial to both parties to go together and have one landfill.

If you limit us to firefighting crews, we cannot do that sort of thing.

Mr. MELCHER. But you could then limit that to communities, for instance, rather than institutions, organizations, private agencies, and persons. Of course, this is everybody in the world.

Mr. McGUIRE. Some communities may very well not be incorporated. They may be a group of summer homeowners.

Mr. MELCHER. I think we are going too far.

I think you have plenty of authority to do the minor things. If you don't have the authority to do some major activities such as better utilization of the firefighters, then we will be glad to help you on that.

However, I do object to giving you the whole ball park with one very short but very broad bill.

Mr. McGUIRE. We understand your concern, Mr. Melcher.

I think that there are several controls here, however.

One is through the appropriation process. We are going to have to continue to report on how we are using the dollars.

Mr. MELCHER. Let me interject here.

You are limited by appropriations, but I, for one, think you should answer to the authorizing committee, too.

Mr. McGUIRE. That is what I was going to say next; that is, that the second control is through the authorizing committees through oversight.

Mr. MELCHER. That is right. But when we give you a law that is as broad as this, you could justify almost anything that goes on after that.

Our oversight then is merely looking at what you have done and seeing whether you have followed the law. This is so broad that it would almost allow you to do anything you want to do which you are now doing under the multiple-use concept.

We could not complain, because we gave you that authority.

Mr. McGUIRE. We appreciate that, Mr. Melcher, but again there there are two more controls I think which are operating.

One is that the labor organizations are obviously not going to allow us to use this as a device for getting around normal labor employing procedures.

Another control is that the contractors themselves are not going to allow us to proceed very far in using this as a substitute for normal contracting without complaining to Members of Congress.

So, I think that we are going to operate in a goldfish bowl. Any agreement that is not satisfactory to the committee is certainly going to be called to your attention.

So, I believe that there are sufficient controls here in addition to this legislative history that we are now making here.

Mr. MELCHER. I don't want to take more time, but I don't think you envision the granting of additional broad authority as being necessary.

Inasmuch as we both feel that way, I think we probably have a common ground here on drafting the type of legislation that you need to fulfill the shortcomings of the existing law and still not make it as general and nonspecific as this one.

Mr. LITTON. We don't intend to go into the markup at the conclusion of the discussions today.

Amendments and perfecting language can be offered during markup, but we would like to finish the questioning.

Mr. McGuire, your schedule is tight. Mr. Schroeder, you have to catch a plane. I am sure there are going to be some other questions. What is your time schedule?

Mr. McGUIRE. I would like to get away in about half an hour.

Mr. LITTON. We will then recess briefly for a House vote.

Mr. WEAVER. Mr. Chairman, may I take this opportunity to welcome Mr. Schroeder. We are very proud of our Forestry Department in Oregon, and as an example of that, we are pleased to have you here.

Mr. LITTON. The committee will recess and be right back.

[Recess taken.]

Mr. LITTON. The subcommittee will reconvene.

We will begin the questioning with Mr. Weaver.

Mr. WEAVER. Chief McGuire, I welcome you as well.

In your testimony, you said that you now have authority to form certain cooperative associations with organizations which are not specifically authorized in the statute. Is that correct?

Mr. McGUIRE. That is correct.

Mr. WEAVER. Would you mind giving us the list of things that you now need?

Mr. McGUIRE. We have a complete list. It is about two pages. I will be glad to provide it.

Mr. WEAVER. You do have that?

Mr. McGUIRE. Yes.

Mr. WEAVER. Can we have that for the record, Mr. Chairman?

Mr. LITTON. Without objection, it will be made a part of the record.

[The requested information follows:]

Listed below are several cooperative authorities utilized by the Forest Service

<i>Authority</i>	<i>Application</i>
Agricultural Organic Act of May 15, 1962 (7 U.S.C. 2201).	Broad general authority to use cooperative agreements as means for acquiring and diffusing of information on subjects connected with agriculture.
Cooperative Funds, Act of June 30, 1914 (16 U.S.C. 498).	Authority to receive funds from cooperators to be placed in a special fund and made available for expenditure for cooperative work in forest investigations or protection and improvement. Excess deposits over cost are subject to refund to the cooperator.
McSweeney-McNary Forest Research Act of May 22, 1928 (16 U.S.C. 581).	Broad basic authority for cooperation in forestry research.
Granger-Thye Act of April 24, 1950 (16 U.S.C. 572).	Authorizes the Forest Service to cooperate with or assist others in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, where the owner deposits a sum sufficient to cover the work. Also authorizes cooperation and assistance on the same basis as above in connection with the occupancy or use of the national forests (Examples: Work for special use permittees or timber purchasers.)
Fire Protection Act of May 27, 1955 (42 U.S.C. 1856-1856d).	In the absence of a written agreement the Forest Service may render emergency assistance in extinguishing fires and in preserving life and property from fire within the vicinity of a Forest Service fire protection facility.
Highways Act of August 27, 1958 (23 U.S.C. 205).	Authorizes cooperation with States, counties, or other local subdivisions for constructing and/or maintaining forest development roads and trails.
Cooperative Law Enforcement Act of August 10, 1971 (Public Law 92-82).	Authorizes cooperation with States and political subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the National Forest System. See ED No. 2 to FSM 5360.
Title III of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577).	Provides for cooperating with State and local governments in providing specialized or technical services on a reimbursable basis. See OMB Circular A-97 and Secretary's Memorandum No. 1716 of January 13, 1971.

Specific examples of cooperative authorities under which cooperators perform work for the Forest Service on a reimbursable basis are:

<i>Type of work</i>	<i>Authority</i>
Fire protection-----	42 U.S.C. 1856, Act of May 27, 1955.
Forest research-----	16 U.S.C. 581i-1, Act of April 24, 1950.
Road construction and maintenance.	16 U.S.C. 535, Act of October 13, 1964.
Cooperative law enforcement----	16 U.S.C. 551a, Act of August 10, 1971.

Mr. WEAVER. Congressman Melcher is concerned that this bill would provide too broad a statutory authority.

Is it possible for the Forest Service to delineate any further perfection of the bill and delineate the specific functions and work projects which you feel you need authorization for?

Mr. McGUIRE. I believe that it would be possible, but it would be awkward because this is quite similar to the authority Congress has given us to enter into contracts to employ people.

In those situations, once again, we could make a list of all the cases, but it would be a very comprehensive list of the possibilities.

Mr. WEAVER. In the contractual authorizations, are they listed?

Mr. McGUIRE. No, sir, we have general authority to enter into contracts in all of our various programs. You have the opportunity for oversight of how we use this authority.

I am sure that those benefiting from our contractual activities will call to your attention any instances where they think we have gone too far or not far enough.

Mr. WEAVER. Does the contractual authority differ in the kinds of authority that would be granted by the bill now before us?

Mr. McGUIRE. I think the authority would be quite similar—that is, it will be giving the executive branch discretion as to whether or not to perform the work by contract or by use of Government employees. It is the same sort of situation. The administering agency would have to weigh the pros and cons in each case.

This would give us a third alternative in more situations. But, in each case we would have to ask ourselves whether it is better for the Federal Government to do the job itself, to employ a contractor, or to employ a cooperative agreement approach?

Mr. WEAVER. Have you done any further thinking as to whether the bill would require that such programs would be of primary benefit to the Forest Service?

Mr. McGUIRE. Yes, sir, I have thought of that. I think we could probably live with that sort of direction because I cannot conceive of an instance where we want to go into this sort of incidental work. Our funds are limited. We spend our dollars where we get the primary benefits.

So, I think we could live with that arrangement.

Mr. WEAVER. Would this bill give you authority to, for example, cooperate by renting facilities from someone?

Mr. McGUIRE. I think the kind of situation where that might apply would be the rental of equipment.

For example, on a joint venture the cooperator might want to employ a bulldozer to do something, or a truck. So, the agreement would then provide for rentals of the equipment.

I don't think that we would get into rental of buildings necessarily, although there are some States that are getting into manpower training programs and that sort of thing where we may want to jointly rent a structure to house the trainees or to provide classroom space.

Mr. WEAVER. You now have authority of course to do that?

Mr. McGUIRE. Yes. We can do it directly now.

Mr. WEAVER. Can you give me a situation where you would need to cooperate in a rental of a bulldozer?

Mr. McGUIRE. In the instance that Mr. Schroeder mentioned where we have standby State fire crews, we may want the standby crew to do some repair work on a trail. Then, we would want to have a small bulldozer available to clear the trail.

That would be the kind of situation we might run into.

Mr. WEAVER. You now have authority to do that, don't you?

Mr. McGUIRE. We could do the trailwork ourselves.

Mr. WEAVER. You have the authority to cooperate?

Mr. McGUIRE. No. We are asking for authority here to let the State provide the men and either rent the bulldozer or we would rent it. In any way, it would be part of the agreement so that the crew would have something to work with.

Each of us could do it separately. But this bill would allow it to be a joint venture.

Mr. WEAVER. On such things as fire control you do cooperate, but you feel it is essential to go beyond that, do you?

I wonder if the ceilings in personnel imposed by the Office of Management and Budget could be lifted indirectly by such a cooperative agreement?

Mr. McGUIRE. The effect of personnel ceilings, sir, is to encourage the agencies to go further with contracting than they would perhaps otherwise, given no ceilings.

With this alternative, I think there would be a relationship of the same kind if the cooperative authority were available.

So, as long as ceilings are implemented, there would be some additional incentive to use cooperative work where nothing else could be done otherwise.

Mr. WEAVER. Do you see a need for including here private agencies, organizations, institutions, and persons? Do you feel that all of these are absolutely essential?

I have not seen yet the demonstration of a need to include these other things beyond the States and the communities.

Mr. McGUIRE. We envision that this is an opportunity for the Federal Government to get things done more efficiently, probably more cheaply, than otherwise.

We expect that there are many instances where we can cooperate with neighboring individual landowners on projects that both of us are interested in and that could be done jointly more efficiently than having each party go his own way.

So, we think there is an opportunity here to save the taxpayers dollars in some instances.

That is why we are asking for this broad authority to go with individuals as well as with agencies and institutions.

Mr. WEAVER. You would not want to change the words "persons" to "individuals", would you?

You understand that the word "persons" may mean a corporation?

Mr. McGUIRE. Yes, sir.

Mr. WEAVER. If a timber corporation had adjoining lands as, of course, we know they do, do you envision some kind of cooperation with them?

Mr. McGUIRE. Right now, we have authority to enter into cooperative agreements with corporate owners who own land intermingled with ours, for example, in maintaining a road that serves both properties.

Now, I can conceive of a case where a private landowner wants to do some tree planting on his land at the same time that we need some tree planting on our land next door; we could both send up our own crews and do the job, but it might be cheaper for both of us to get together and hire one tree planting crew, plant the whole acreage at once and be done with it.

Mr. WEAVER. And also maintain the road?

Mr. McGUIRE. And also maintain the road.

We now have the authority to maintain the roads.

Mr. WEAVER. You now have that authority?

Mr. McGUIRE. That is right.

Mr. WEAVER. Would you give us that again?

Mr. McGUIRE. It might be tree planting; it might be thinning on both sides of the boundary; it might be doing something to improve the wildlife habitat that both parties are interested in.

Mr. WEAVER. Could you use this cooperation agreement to work on private land?

Mr. McGUIRE. We would not work on the private land, but what we would do if the private landowner were interested is to allow him to work on the public land and then to reimburse him for what he does.

Mr. WEAVER. But it would be solely work on the Forest Service itself?

Mr. McGUIRE. That is all we would pay for, yes.

However, the same crew at the same time with the same equipment might do the same job on the private land thereby saving tax dollars.

Mr. WEAVER. And they would be the person's employees?

Mr. McGUIRE. That is right.

Mr. WEAVER. You would reimburse the person for the work done on the Forest Service-owned land and only for work done on the Forest Service land?

Mr. McGUIRE. That is exactly right.

We would also be able to supervise his people while they were on our land so that the job is done by our standards.

Mr. WEAVER. I thank you very much.

Mr. LITTON. I am assuming that this authority would not be used to circumvent the regular employment?

Mr. McGUIRE. That is correct.

Mr. LITTON. I noticed several cooperatives used by the Forest Service on this list that you provided us.

Did authority for this come out of the Agricultural Committee?

Mr. McGUIRE. Some of these authorities go back to the last century.

I suspect most of them came out of the Agricultural Committee.

Mr. LITTON. Mr. Symms?

Mr. SYMMS. I have no questions at the present time. I appreciate the Chief coming down this afternoon.

I appreciate your asking my question earlier.

Mr. WEAVER. I thought you might go on to that particular question having to do with research, so I did not ask that question, but I would like to ask the Chief, if I might, about that.

Mr. SYMMS. I have not heard what the Chief's answer was. But go ahead.

Mr. WEAVER. I will ask the question again which was asked by Congressman Symms and that is, would you pay in advance for research to be done?

As I recall, you answered that they would have to be reimbursed after the fact.

Mr. McGUIRE. We now have authority in research—just in research—to advance funds as well as to reimburse the cooperator.

As I understood the question, it was whether in broadening the authority beyond research, as this bill would do, it would be well to give the authority to advance funds as well as to reimburse.

I said that, in my opinion, it would be useful in some instances to have that authority.

Mr. WEAVER. The question was to broaden it beyond research for reimbursement?

Mr. McGUIRE. That is correct.

Mr. WEAVER. Thank you. That answers the question.

Mr. LITTON. Are there any other questions from Mr. McGuire?

If not it appears we have succeeded in getting you out of here by the 3:30 p.m. time limit.

We thank you.

Our next witness is Mr. David Jessup of the Oregon Forest Protection Association.

Mr. Jessup, we are very happy to have you with us. We welcome your testimony today.

Mr. JESSUP. Thank you, Mr. Chairman.

STATEMENT OF DAVID R. JESSUP, REPRESENTING OREGON FOREST PROTECTION ASSOCIATION AND EAST OREGON FOREST PROTECTIVE ASSOCIATION

Mr. JESSUP. Mr. Chairman and members of the committee, my name is David R. Jessup, assistant manager of the Oregon Forest Protection Association, Portland, Ore.

The association is a nonprofit corporation, organized in 1910 with the broad objective to promote cooperative forest protection in Oregon between private forest landowners and local, State and Federal protection agencies.

The association membership consists of both large and small private forestland owners, corporate and individuals, representing about half of all private commercial forest ownership in Oregon.

I am also the secretary-treasurer of the East Oregon Forest Protective Association, one of 12 private fire protection associations that collectively comprise the Oregon Forest Protection Association.

This group of eastern Oregon forest and rangeland owners recognized in 1968, when they organized into the association, that the objective of protection of forest and range lands from loss by fire and other destructive agents can best be accomplished by the full cooperation of private landowners with State and Federal protection and land management agencies; and, further, full cooperation between all concerned public agencies needed improvement.

On August 18, 1971, at a meeting of the East Oregon Forest Protective Association board of directors, a resolution was adopted that expressed the need for well-trained and reliable forest and range firefighters.

The State forestry department, in charge of protecting all private forest and range lands in the State, would like to hire the needed crews but lack of revenue and State work projects prevents this. There is very limited productive work available on State and private lands for crews to do when on standby for fire calls. The U.S. Forest Service

also needs additional crews for fire suppression but they are restricted by personnel ceilings and available equipment that prevent adequate manning.

The John Day District of the State forestry department and the Malheur National Forest proposed to develop a cooperative work program. It provided that the State would hire and train fire crews to service both the State protected areas and Malheur National Forest protected areas. It also provided that, when the Forest Service used the crews for fire or other work, it would reimburse the State.

To help finance the crews, which are on actual fire control work perhaps 20 percent of the time, it was proposed that the Malheur Forest utilize the crews for forest improvement work during times when the crews were not on fires. This work could include brush piling, road maintenance, trail improvement, stream cleanout, pre-commercial thinning, campground improvement, and so forth.

After a number of conferences between the Malheur Forest and the State forestry department, it was agreed that this proposal would be mutually beneficial. When the proposal reached the resource management people in the regional office in Portland, it was also recognized as being a desirable way to provide greater fire control forces in east central Oregon while augmenting other cooperative fire control efforts and accomplishing needed forest improvement work.

However, the fiscal staff of the Forest Service regional office determined that such an arrangement was not allowable under United States Code annotated, title 41, chapter 252, pages 262-263, inasmuch as it constitutes contracting to the State for personal services.

We now bring the matter to you in the hope that Congress may be able to provide the necessary machinery so that the U.S. Forest Service can enter into this type of mutually beneficial agreement with State government. We believe that H.R. 5634 would be beneficial. We thank our Oregon Congressmen for introducing this bill.

We believe it would be helpful to this subcommittee to give you a brief background of the history of cooperative forest protection in Oregon. Included with our testimony is a paper entitled "Cooperative Forest and Environmental Protection in Oregon," prepared by James B. Corlett, manager, Oregon Forest Protection Association, and delivered at a symposium of the North American Forestry Commission in May 1972, at Denver, Colo.

I would like to have this paper entered into the record.

Mr. LITTON. Without objection, it will be so done.

[The paper to be inserted appears on p. 62.]

Mr. JESSUP. To bring you up to date since this paper was presented, there is another example of the fine cooperative spirit passed down the generations by the western pioneers. It is called the closest forces concept.

The common goal is that the U.S. Forest Service be relieved of the responsibility for presuppression activities on State and private lands, and to offer that responsibility to the State with the idea being for joining Federal-State attacking forces along the common ownership boundaries.

As agreed to by the U.S. Forest Service, State and association fire control officials, the objectives are to—

- (1) Reduce the acreage of State and private lands given protection by the Forest Service.

(2) Institute a systematic dispatch to maximize the use of closest forces regardless of agency for attacking fires along the ownership boundaries or within intermingled ownership.

(3) Regulate industrial operations within areas of intermingled responsibility using the predominant agency's procedures so that all operations within the area are treated fairly and confusion is reduced to the minimum.

This concept was tried in several areas of Oregon during the 1974 fire season and was so successful that it is now being implemented statewide. Many inefficiencies stemming from overlapping responsibilities have been eliminated, and better communications and co-operative thinking and actions have developed. Valuable resource losses are being reduced and, as a result, the burden of ever-increasing fire control costs on the taxpayers can be kept in check. We can foresee that, if these closest forces fire crews can be accomplishing productive tasks of benefit to the public, not now being accomplished or—if so—to a limited extent, then the taxpayer will certainly be getting a bargain.

There is a great deal of work to be done just in eastern Oregon alone. The aftermath of the tussock moth epidemic has created thousands of acres of land needing various kinds of treatment. There are 300,000 acres of lodgepole pine timber land being devastated by the mountain pine beetle. The only known controls is through thinning out stagnated timber stands to get them vigorously growing. The U.S. Forest Service has an aggressive long-range plan to check these kinds of losses but proper amounts of money appropriated by Congress are lacking. In the eyes of a forester, it is a disgrace.

We understand that the U.S. Forest Service has a problem of not always being able to accomplish all projects in a timely fashion even though they collect money to do the work from the sale of timber. Such things as brush disposal, seed bed preparation, and tree plantings require manpower and machinery not always available to the Forest Service when they need it, especially in remote areas. This work must be done quickly and efficiently if we are to properly manage our forests for the benefit of our Nation. Cooperative programs such as what this legislation would provide can do no less than enhance our American heritage.

In summary, we believe the benefits of the proposed cooperative work program would include:

- (1) The availability of stable, well trained, efficient fire crews.
- (2) Accomplishment of needed forestland improvement work.
- (3) An aid to employment in Oregon. Unemployment this summer is expected to reach 40 percent of those under 25 years of age.
- (4) An aid to save gasoline consumption through better utilization of vehicles.

(5) If it became possible for the U.S. Forest Service and the respective States to cooperate under an arrangement such as proposed, it could have application throughout the Nation in making the best use of available funds both Federal and State.

Thank you for providing me with this opportunity to express our views on this matter.

We respectfully urge passage of H.R. 5634.

[The paper referred to on p. 60 follows:]

CORLETT A

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COOPERATIVE FOREST AND ENVIRONMENTAL PROTECTION IN OREGON

Prepared for a Symposium "Fire in The Environment", North American Forestry Commission, Denver, Colorado, May 5, 1972, By James B. Corlett, Manager, Oregon Forest Protection Association, Portland, Oregon.

Cooperation among private forest landowners, state government, and federal agencies is the key-stone of forest protection in the State of Oregon. Recently, procedures for cooperation against forest loss from fire, insects, and disease have been extended to include positive programs to protect the air, water, soil, and growth potential of Oregon's forest environment.

HISTORY OF COOPERATIVE FOREST PROTECTION IN OREGON

Cooperative forest protection in Oregon began with the organization of Western Forestry and Conservation Association in 1909. The Association was founded on the principle of cooperation. E.T. Allen, the first Forest Counsel of Western Forestry and Conservation Association, while discussing the origin of cooperative fire control in Idaho, once stated "a handful of Idaho lumbermen, in a state then without a vestige of forestry organization and remote from centers of forestry propaganda, took a step which probably has exerted more influence on forestry in this country than any other except the establishment of the National Forest Administration....". In 1910 Western Forestry guided organization of the Oregon Forest Fire Association, now Oregon Forest Protection Association. This Association of cooperating private forest landowners was similar in structure to fire associations in the neighboring states of Idaho, Washington, and Montana.

With the support of the Oregon Forest Fire Association, the 1911 Oregon Legislature enacted new and stronger forest fire laws. The package included laws covering appointment of fire wardens, establishment of regular fire seasons, provisions for slash disposal, permits to burn in the woods, and spark arresters on logging equipment. Another important step was strengthening the Oregon State Forestry Department.

One of the first undertakings of the new association was to organize local cooperative landowner fire patrol associations in all forested counties of the state. By 1916 there were sixteen active local forest fire patrol associations guided and served by Oregon Forest Fire Association.

Support from the associations led to enactment of the Compulsory Forest Patrol Act by the 1913 Legislature. This law required each forest landowner to provide for protection of his lands from fire and authorized the State Forestry Department to do the job if the landowners failed. This basic law is still on the books in Oregon and is one of the foundations of the cooperative state-association protection system continuing to this day.

Through the past sixty years Oregon's forest protection laws have been refined and expanded. The State Board of Forestry has long employed the policy of seeking landowner involvement in proposed law changes prior to introduction as legislative measures. This policy has resulted in laws which have enjoyed support of private forest landowners through the process of legislation, as well as in their implementation. For example, some twenty years ago, it became evident that funding was inadequate for emergency fire suppression. Landowners agreed to support a modest tax on timber harvested with the revenues to be used for unusual emergency fire costs. This emergency fund, which today consists of over one million dollars, has been a vital factor in Oregon's fire control program.

Fifty-two percent of Oregon's forest land is controlled by federal agencies. Much of this ownership is intermingled with private and state owned lands. Examination of this complex ownership pattern suggests the potential efficiency to be gained from a cooperative, interagency forest protection system. In the early 1960's the chief fire control representatives of the State Forestry Department, U.S. Forest Service, Bureau of Land Management and Indian Affairs, and Oregon Forest Protection Association formed the "Cooperative Fire Control Committee". It was organized informally with no specific leadership and meetings were called by any party which felt it needed help with a problem. Whoever called a meeting acted as chairman. No bylaws were drawn or minutes recorded and this helped to foster a free exchange of ideas. Natural feelings of rivalry among the organizations represented gradually receded as the benefits of united effort led to successful solution of many fire control problems. While all the accomplishments of the Cooperative Fire Control Committee are too numerous to cite, here are two examples:

Three Way Protection Agreement. The problem of intermingled ownerships had long been a thorn in the side of in-depth cooperation. There had been a tendency for agencies to hang back near their boundaries and wait for an outside fire to approach. Especially critical was the matter of initial attack on fires in areas where boundaries were not clearly identifiable.

The Cooperative Fire Control Committee attacked this major fire problem and the result was the "Three Way Protection Agreement", signed in 1965 by the U.S. Forest Service, State Forestry Department, and Oregon Forest Protection Association. The agreement spells out policy guidelines for immediate action on boundary fires and interagency action by all parties to the agreement. It also covers procedures for forest debris burning on lands of one party which are protected by another; issuance of slash releases and harvesting permits; and procedures for annual determination and payment for protection of one party's lands by another party. The agreement proved to be a major break through in areas of intermingled protection responsibility. Here was working cooperation directly involving the federal, state, and private sectors of our society.

Policy Statement on Cooperative Forest Protection in Oregon. This came about because it had become evident that agreement on basic objectives by the Cooperative Fire Control Committee did not always filter into all levels of the respective field organizations. In order to speed this process, the Regional Forester, State Forester, and President of Oregon Forest Protection Association and Bureaus of Land Management and Indians Affairs worked out a simple statement which was declared the joint policy of all the organizations. The statement clearly defined the intention of the forest protection leadership in Oregon to cooperate fully in order to increase efficiency; provide effective and economical protection to all forests and range lands; to review protection needs and programs; and to develop adjustments in protection boundaries.

The policy has resulted in a number of new areas of cooperation such as joint predispatch planning, joint helicopter crew operations, hot lines between many agency field headquarters, and a proposal for joint fire and forest improvement crews. Regarding the later, a bill was recently introduced by Oregon Congressmen to seek authorization for joint U.S. Forest Service - State fire crews which could be utilized for federal forest improvement work when not engaged in fire operations. It has received the support of the National Association of State Foresters as well as many other organizations.

SMOKE MANAGEMENT PROGRAM

The Willamette Valley of Oregon was the goal of many pioneers. Because it has a mild climate and fertile soil it became the primary population center of the state. In fact, about two-thirds of Oregon's population of two million now reside there. The valley is about 140 miles long and 30 miles wide, and surrounded on three sides by mountain ranges. During the summer, temperature inversions cause smoke to accumulate, particularly in the vicinity of Eugene, a moderate sized city at the closed end of the valley. Accumulated smoke is unable to escape over the mountains and air pollution has, at times, been severe.

Following many months of interagency cooperative study and legislative consideration, the concept was developed of managing slash burning in such a manner as to minimize or eliminate smoke accumulation in designated populated areas. To this end an agreement was signed in September 1969 by representatives of the Oregon Department of Environmental Quality, State Forestry Department, U.S. Forest Service, Bureau of Land Management, Bureau of Indian Affairs, and Oregon Forest Protection Association. The program depends heavily upon coordinated weather service among forecasters from the National Weather Service, U.S. Forest Service, and State Forestry Department. Cooperation among these agencies has been outstanding and forecasting has been of a high order.

Each agency delegated direct responsibility for decisions regarding burning to its district and area officers. This has entailed training programs on meteorology of burning, ignition techniques, and other factors. The field personnel has responded well and they are improving each year in their understanding of downwind smoke impacts.

The plan is based on the concept that forest slash burning can be done in such a way that a large convection column is produced and smoke is disbursed to the upper air layers. Prevailing winds, forecast of wind direction, forecasts of inversions and other factors are taken into consideration.

By state law and mutual agreement, the State Forester is responsible for coordinating forest debris burning. Daily reports are teletyped to the State Forester by each agency. The reports include the number of fires, quantity and acres burned for the previous day, and projections of burning for the current day. A map is maintained at State Forestry Headquarters for daily coordination with weather forecasts. The State Forester has the authority to close down all burning either in specific regions or statewide if revised forecasts warrant. In 1971 one million six hundred thousand tons of forest debris was reported as burned. This debris burning involved about 43,000 acres. Of this acreage of debris burned under the program, smoke escaped into populated areas from about 1300 acres and these were generally regarded to have caused minor air pollution.

The Smoke Management Program is not the complete answer to prescribed fire caused air pollution, but it has been remarkably successful. As new fast growing forests gradually replace the remaining old growth timber in Oregon, slash burning will largely become unnecessary as timber will be harvested before it reaches a condition of decadence.

FOREST PRACTICE ACT

In the past several years an expanded concept of multiple use forest management has been articulated in Oregon. Among foresters, the opinion grew that the Oregon Conservation Act had largely outlived its usefulness. This Act became law in 1941 and was one of the first efforts in the United States to regulate harvesting practices on private land. It was a useful law, but related only to reforestation and was limited to providing alternative means for regenerating harvested timberlands. Nevertheless, several million acres of vigorous young Douglas Fir stands in Oregon attest to the wisdom of the Act.

In 1968 a group of 41 forestry leaders were brought together in Salem by the State Board of Forestry. From this meeting ultimately developed the 1971 Oregon Forest Practice Act. The birth pangs of the new law were severe as initial proposals were considered at numerous meetings throughout the state. But, after all the discussion was over, the private forest landowners joined ranks with the State Forestry Department and threw their full support behind legislative passage of the new act. It will go into effect on July 1, 1972.

The new law vests in the State Board of Forestry the authority to develop and enforce regional rules designed to assure continuous timber production and protect soil, water, and air resources; and to achieve coordination among state agencies. Within each of the three designated regions, permanent, nine member committees of resource managers and representatives of the general public were given the task of developing forest practice rules compatible with the particular forest types and conditions of each region. As required by the new law, minimum standards for forest practices are to be established with respect to five major areas: (a) reforestation of forest land economically suitable therefore; (b) road construction and maintenance operations on forest land; (c) harvesting of forest tree species; (d) application of chemicals on forest land; and (4) disposal of slashing on forest land.

Emphasis in all the rules will be on ends rather than means and rules are designed to meet regional conditions. For example, projected rules in the Eastern Oregon Pine Region, require that "whenever as a result of an operation the stocking of acceptable species is reduced below 25% based on estimated crown closure of trees 11 inches in diameter breast height and larger, at least 100 seedlings or saplings per acre, or any combination thereof, well distributed over the operation area, shall be left or established within six years."

In the Northwest Coastal and Valley Region, under similar conditions, at least 150 well distributed seedlings or saplings or any combination thereof per acre, shall be established on the area within either three or five growing seasons after the operation depending upon in which of the two sub-regions the operation is located.

Proposed rules governing road construction, for example, in the Northwest Region, require among others, minimum alteration of natural features; prior approval where material might enter streams; minimizing stream crossings; leaving or reestablishing vegetation between roads and streams; and avoiding unnecessary duplication of road systems.

Other rules in all the regions cover, in some detail, road location, road specifications, road construction, road maintenance, soil protection, quality of residual stocking, location of landings, skid trails and fire trails, road drainage systems, treatment of waste materials, stream protection, and maintenance of productivity of related values.

The new law together with the rules which are to be promulgated by the State Board of Forestry in June, become effective on July 1, 1972. Cooperation of all interested agencies, private landowners, and the federal agencies has been outstanding. The Act represents a degree of state control over private forest land management hitherto unknown in Oregon. But, because all landowners are supporting implementation of the Act, we believe it will provide protection of all forest values to the extent required by a changing society. The Act is in keeping with the philosophy that we are all but brief tenants on the land and that our obligation to future generations is to enhance its productivity and provide protection for the multiple benefits derived therefrom.

SUMMARY

Cooperation depends upon the attitudes of people. Changes in organizational leadership at various levels can have a significant impact on individual attitudes. Therefore, long range, stabilized cooperation is best achieved when based on common objectives which are clearly in the interests of all participants. When these objectives are formally declared to be the common policies of the cooperating organizations, then personnel changes are less likely to impact cooperative goals.

In Oregon, we believe we have learned that fire and other environmental problems are not solved by dollars alone and that massive expenditures through vast programs sometimes can be a form of self-delusion. Solution to the broad spectrum of forest protection problems really lies in the truth men can find in their own hearts. When people achieve a sufficient degree of understanding so that they are willing to partially submerge their personal and organizational ambitions for the attainment of more meaningful objectives, then real cooperation begins.

We believe that objective cooperation, when attained, is one of man's most useful tools. Through its use he has the means at hand to muster the combined resources of all sectors of society, private, local, state, and federal. Man has the capacity within himself to sharpen and hone this tool, not only to combat forest fires, but also for the solution of the more fundamental problems which retard civilization.

Mr. LITTON. In the interest of time, we wonder if you could remain until we hear from the other witness. Then, we will come back to all of you for questioning.

Mr. WEAVER. I have to leave the meeting shortly and I just wanted to welcome you from Oregon. I am sorry I will not be able to be here for further questioning.

Mr. LITTON. We will now recess to go for another floor vote.

[Recess taken.]

Mr. LITTON. We will proceed with the testimony of our remaining witnesses and by then, perhaps, we will have a minority Member present.

I would like to proceed and ask Mr. Pomeroy, Mr. Towell, and Mr. Hall to proceed with their testimony.

Then, gentlemen, when Mr. Symms gets here, we will have some questions for you.

Mr. POMEROY. Mr. Chairman, thank you very much.

STATEMENT GIVEN BY KENNETH B. POMEROY, WASHINGTON REPRESENTATIVE, NATIONAL ASSOCIATION OF STATE FORESTERS

Mr. POMEROY. Mr. Chairman and members of the subcommittee, I am Kenneth B. Pomeroy, representing the National Association of State Foresters. The State Foresters recommend enactment of H.R. 5634, a bill, "To authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs".

This bill also would benefit the forestry departments of the States in which there are National Forests. It would enable each State to hire men, train them to function as crews in suppression of forest fires, assign them under appropriate agreements to various projects on lands administered by the U.S. Forest Service, and have each crew available for immediate call whenever a fire occurred on either State or National Forest land.

This proposal would be of special value in sparsely populated portions of Western States where recruitment of fire fighters, either trained or untrained, on short notice often is difficult.

The Federal Government also would benefit from this cooperative arrangement. It would provide a source of labor for work on a variety of Forest Service projects not now eligible for cooperative Federal-State efforts under present authority.

An additional benefit of considerable importance in the present recession would be the opportunity to provide seasonal employment in hard pressed rural areas.

We strongly recommend it.

Thank you, sir.

Mr. LITTON. We appreciate your testimony.

Mr. Towell, you may proceed.

Mr. TOWELL. Thank you, Mr. Chairman.

STATEMENT OF WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT, THE AMERICAN FORESTRY ASSOCIATION

Mr. TOWELL. Mr. Chairman and members of the committee, I am William E. Towell, executive vice president of the American Forestry

Association, a citizen conservation organization working in behalf of forestry for the past 100 years. We appear in support of H.R. 5634. This legislation would benefit not only the U.S. Forest Service but State and private forestry organizations as well.

Stated simply, H.R. 5634 would enable the Forest Service to enter into cooperative agreements that would provide for Federal payment to cooperators performing work which benefits Forest Service programs. It would not increase authorizations or appropriations to the Forest Service but would increase the amount and kinds of work that might be accomplished under existing agreements with State and local cooperators. Such payments now are limited to fire protection, forest research, road construction and maintenance, and law enforcement.

A good example of how H.R. 5634 would work to the benefit of both the State forestry agencies and the Forest Service is in keeping trained and organized firefighting forces intact during periods of low fire hazard. These fire crews could be used on the National Forests for nonfire work during periods of low fire hazard and thus be kept intact and available for emergency situations. At the same time, useful work would be accomplished on the National Forests. Timber stand improvement, tree planting, recreational developments, fish and wildlife habitat improvement, and similar useful activities already budgeted and approved could be done under agreement by these non-Federal employees. They would not be Federal employees, although protected by Federal compensation for work-connected injuries.

It seems only good business, Mr. Chairman, to permit this exchange of work crews under cooperative agreement. Skilled firefighters and forestry workers are difficult to find and to train. It is to the advantage of both agencies as well as to conservation to keep them together and working on useful forestry projects.

We urge prompt approval of H.R. 5634.

Mr. LITTON. Mr. Hall, you may proceed.

Mr. HALL. Thank you, Mr. Chairman.

STATEMENT OF JOHN P. HALL, VICE PRESIDENT FOR FORESTRY AFFAIRS, NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. HALL. I am John F. Hall, vice president for forestry affairs of the National Forest Products Association, headquartered in Washington, D.C. NFPA is a federation of 26 regional and wood products associations and represents timber growers, manufacturers, and wholesalers of wood products throughout the United States.

NFPA supports the passage of H.R. 5634. The purpose of this bill is to allow the Forest Service to reimburse cooperating public and private agencies, organizations, institutions, and persons for work performed by them which benefits Forest Service programs and activities that are in the public interest. The Forest Service presently has authority to enter into cooperative agreements in road construction, fire suppression, forest research, and cooperative law enforcement. However, the agency does not have clear authority to enter into cooperative agreements for the performance of general work projects.

Passage of H.R. 5634 would be beneficial, both to the Forest Service and to local and State organizations engaged in activities in which coordination and cooperation with Forest Service activities would provide a mutual benefit. It would allow the agency to more efficiently use State firefighting crews on worthwhile national forest projects

during periods of low fire danger. These crews would then be available for immediate dispatch to suppress fires either on national forests or on State-protected lands.

The bill would allow continuous employment for firefighting crews in sparsely populated areas where there is often a critical need for well-trained and competent firefighting organizations. The inability to offer continuous employment has been a serious handicap to retraining competent firefighters in these areas. It would also provide a means to carry out much needed land management work on national forest lands, that are situated in areas in which it is difficult to recruit manpower or when reliable contractors are not available.

H.R. 5634 is a worthwhile bill. We respectfully request that the subcommittee seek its passage at an early date.

Mr. LITTON. I appreciate your testimony.

I apologize for the voting interruptions, but this is the way we run our country from time to time.

I visited with other members of the committee and I think the main question is that which was raised earlier by Mr. Melcher along the lines of how broad the legislation might be and if there might be some ways to more clearly define the objectives of the legislation without making it more broad than the intent really is.

In the absence of other members and other questions at this time, I think what I would like to do is to adjourn the hearing and ask each of you, gentlemen, if you agree, to be available for questions submitted in writing.

Before adjourning, I would like to insert the three following documents in the record. The first one is a letter from Mr. Bert L. Cole, commissioner of public lands, Washington State; the second is a letter from Mr. Steele Barnett from the Western Forestry and Conservation Association; the third one is a letter from Mr. Robinson, vice president of the Longview Fibre Co. There is also a telegram from Mr. Borden, Colorado State forester, which I would like to be made a part of the record.

The subcommittee will now adjourn.

[Whereupon, at 4:20 p.m., the subcommittee adjourned.]

[The following were submitted to the subcommittee:]

DEPARTMENT OF NATURAL RESOURCES,
Olympia, Wash., June 10, 1975.

Re: Hearing on June 19, 1975, on H.R. 5634.

HON. JERRY LITTON,
Chairman, Subcommittee on Forests,
1502 Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE LITTON: I want to express my support of H.R. 5634 which permits the U.S. Forest Service to contract for use of state forest fire suppression crews to do project type work on National Forest lands.

Current laws permit use and reimbursement of such state crews by the Forest Service for emergency fire suppression activities but authority is needed to permit use of the state crews for non-emergency project work.

Employment of state crews for such project work during times the crews are between fires would reduce net costs to the state and provide needed services for the U.S. Forest Service. Total crew strength can be maintained to needed levels and this will provide better fire protection to the National Forests as well as to the state.

Sincerely yours,

BERT L. COLE,
Commissioner of Public Lands.

(The identical letter was sent to Hon. Al Ullman, chairman, House Ways and Means Committee.)

WESTERN FORESTRY AND CONSERVATION ASSOCIATION,
Portland, Oreg., June 13, 1975.

HON. JERRY LITTON,
Chairman, Subcommittee on Forests, House Agriculture Committee, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN LITTON: I am writing in behalf of the Western Forestry and Conservation Association requesting your favorable consideration of HR5634. This bill would authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs.

This Association has represented public and private forestry in the West for more than a half century. In those years we have called many items of concern to the attention of Congress. It was WFCOA working with Congress and the U.S. Forest Service fifty years ago that lead to the passage of the Clarke-McNary Act of 1924. This Act has done much to improve forest fire protection in the West, strengthen State Forestry Departments and the cooperative fire protection associations and promote the practice of good forestry on all forest lands. We feel that HR5634 will further strengthen and extend these accomplishments.

One of the problems both in securing and maintaining highly trained and motivated forest protection and forest management workers is the seasonal nature of the job in their home areas. Fire prevention and suppression activities are of a temporary nature with the result that crews change almost yearly, requiring annual extensive and expensive training programs. If these fire crews could be given more forest management activities while on stand-by or before or after the fire season a more stabilized and trained work force would result. In addition, the federal resource management agencies, who may be having trouble getting forest management crews in certain areas, might well be able to utilize state or protective association personnel to accomplish much needed resource management or enhancement programs. HR5634 would remove the present barriers to this more effective utilization of forestry trained personnel.

The U.S. Forest Service has extensive acreages of productive forest land that needs further planting or timber stand improvement work. Personnel ceiling limitations and, in some instances, the unavailability of a trained work force has prevented this work from being done. The Bureau of Land Management here in Oregon reports trouble finding adequate numbers of tree planters. A flexible force at the State level could help overcome the large backlog of reforestation and timber stand improvement activities needed on federal lands.

I cite the BLM situation because I believe that this bill should be broadened to extend the same authority to the Secretary of Interior for programs which benefit the Natural Resource lands. In addition, I can see where such a cooperative program could be of benefit in wildlife habitat restoration or other beneficial fish and wildlife programs. However, if such an expansion would cause a delay in the passage of HR5634 then I would not encourage it at this time.

For reasons cited above, I urge the favorable consideration of this bill. I would appreciate this letter being made a part of the hearing record.

Very truly yours,

STEELE BARNETT,
Forest Counsel.

LONGVIEW FIBRE COMPANY,
Longview, Wash., June 10, 1975.

HON. JERRY LITTON,
Chairman, Subcommittee on Forests of the Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN LITTON: We understand that HR 5634, the bill to authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs, is to be heard by your committee on June 19.

We earnestly encourage your favorable report of this bill.

Longview Fibre Company has been involved in cooperative efforts with the States of Oregon and Washington for many years. The increase in efficiency of State fire control efforts has resulted primarily from the cooperative action between the State agencies and the private forest landowners, principally the industrial firms who have a large resource of men and equipment which can be made available to the State by agreement for the protection of the resources of the State. We feel that HR 5634 can be equally beneficial in providing a flexible work force on the State level which can be productively utilized between the Federal, State and private land managers.

In addition to the obviously greater efficiency, this sort of cooperative action brings the agencies and the private forest landowners into better communication and stimulates a more cooperative attitude for the solution of common problems. We feel this bill has the potential for great benefits for all concerned and urge its passage.

Sincerely,

W. LEE ROBINSON,
Vice President-Timber.

[Telegram]

FORT COLLINS, COLO., *June 11, 1975.*

FORESTRY SUBCOMMITTEE, AGRICULTURE,
Longworth Bldg., Washington, D.C.

MR. ULLMAN: H.R. 5634 would be of great help in Colorado. It will provide much better efficiency and effectiveness and will avoid duplication of efforts in the same geographic areas of our State. I urge favorable support by the subcommittee.

THOMAS B. BORDEN,
Colorado State Forester.

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