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November 18, 2005

The Honorable Richard Pombo  
Chairman, Committee on Resources  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Pombo:

We are writing to direct your attention to severe abuses of the U.S. Forest Service guest worker program and to request that the House Committee on Resources conduct oversight hearings on this matter at the earliest possible opportunity.

As you may be aware, earlier this week, a three-part report in the Sacramento Bee painted a disturbing picture of the ill-treatment of the forest laborers in this country.<sup>1</sup> These men and women, whether undocumented or hired through the H2B guest worker program, number in the thousands and are responsible for the important work of reforestation and fire prevention.

This is a very serious investigation, and we believe it demands a serious response from the Committee. The journalists documented clear safety violations, underreported injuries and preventable deaths, denial of basic legal protections, and a general pattern of willful neglect. Yet when questioned about this troubling pattern, a Forest Service spokesman made the astonishing claim that these issues are not the Service's responsibility: "We're the Forest Service. We're not the INS or the Department of Labor."

This is a clear abdication of duty. If the American people value the work performed by the laborers hired by Forest Service contractors – and we believe that they do – it is this committee's responsibility to ensure this program is properly administered and that the laborers are not abused. The Forest Service should not be allowed to simply ignore the very real impacts of its contractors' actions.

The House Committee on Government Oversight conducted a hearing more than ten years ago on a very similar topic, and issued a report entitled "Look Who's Minding The Forest: Forest Service Reforestation Program Due For A Major Overhaul."<sup>2</sup> That report concluded that the "current reassessment of reforestation contracting activities provides an opportunity to clean up

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<sup>1</sup>Tom Knudson and Hector Amezcua. "The Pineros." The Sacramento Bee. November 13-15, 2005. Available online at <http://www.sacbee.com/content/news/projects/pineros/>

<sup>2</sup>House Report 103-218.

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unlawful practices in this industry.”<sup>3</sup> Sadly, more than twelve years later, the Congress has not revisited the issue, and it appears that the practices that were identified in 1993 have continued to this day.

The issue, however, has not been ignored by everyone. The Forest Safety Task Force of British Columbia issued a report in January 2004 that identified “key drivers of death and serious injury in the [forestry] industry” and recommended several changes based on best practices and consultation with stakeholders.<sup>4</sup> As the report noted, forestry work is inherently dangerous, but “deaths and serious injuries... are preventable and they must be seen as extraordinary and unacceptable events.”<sup>5</sup>

We urge you and your staff to respond to the investigative report in the Bee, and we look forward to working with you to ensure that the Forest Service and its contractors live up to their responsibilities. Please contact us at your earliest convenience so that we can schedule oversight hearings and make certain that the important work performed by the Forest Service does not continue to result in preventable tragedy.

Sincerely,

  
GEORGE MILLER

  
TOM UDALL

  
DALE E. KILDEE

  
PETER A. DEFAZIO

CC: The Hon. Greg Walden, Chairman, Subcommittee on Forests and Forest Health

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<sup>3</sup> *Ibid.* Page 26.

<sup>4</sup> Final Report of the [British Columbia] Forest Safety Task Force. “A Report and Action Plan to Eliminate Deaths and Serious Injuries in British Columbia’s Forests.” January 19, 2004.

<sup>5</sup> *Ibid.* Page 36