



File Code: 5100
Route To: (5100), (6100)

Date: June 23, 2004

Subject: Minimum Age for Firefighting Resources

To: Regional Foresters, Station Directors, Area Director, IITF Director

In 2003, issues were raised regarding the age of some firefighting crews sponsored by our cooperating state agencies. In August 2003, the Fire and Aviation Directors for the federal wildland fire agencies and the National Association of State Foresters issued guidance that persons under 18 years old will not perform hazardous or arduous duties during wildland fire management operations on federal jurisdictions (see the attached August 6, 2003, letter). Our position is that there is sufficient hazard (the injury/fatality rates over the decade indicate this) that agency policy remain that we will not hire or assign 16-17 year olds to participate in fire operations on Forest Service jurisdictions, including execution of prescribed burns.

Currently, the Department of Labor (DOL) does not list firefighting as a hazardous occupation (HO) and there is no law in place which prohibits the hiring of 16-17 year olds into these jobs. However, while the DOL has not designated firefighting as a HO, they acknowledge that firefighting is hazardous work. Until recently they felt there wasn't a need for a HO designation, as they considered that such work was typically of a volunteer nature (youth volunteering with a local volunteer firefighting company) and that none of the federal wildland fire agencies were considering using youth of such an age.

In 2002, the National Institute for Occupational Safety and Health (NIOSH) issued a report which included recommendations to revise the child labor hazardous occupation orders (the report can be viewed at: http://www.youthrules.dol.gov/niosh_recs_to_dol_050302.pdf). One of the recommendations was to ban forest firefighting by youth 16-17 years of age, stating that "firefighting poses substantial risk to workers of all ages" (page 27 of the NIOSH report). The Department of Labor is moving to conduct rulemaking and the firefighting ban is seriously under consideration.

At the present time, Forest Service policy to not hire and use 16-17 year old youths is in conflict with what some of our state partners have adopted; however, some state labor laws prohibit youth firefighting as well. While the DOL is conducting rulemaking regarding the youth firefighting ban, we will maintain the following policy in regard to our cooperator resources:

1. We will use the crews with persons under 18 years old offered by our cooperators in logistical support and other non-hazardous positions on a Forest Service incident.
2. We will NOT use these crews of 16-17 year olds in any Operations activity associated with an incident, including prescribed fire execution, regardless of the fire phase or task.
3. Use of 16-17 year olds will be in accordance with all laws regarding work hour limitations, etc.



With the policy stated above, we will continue to engender good relationships with our state cooperators, as well as meet our expressed desire that these young people not be placed in potentially hazardous situations.

Questions regarding this policy should be directed to: Alice Forbes at 208-387-5605 or Deb Rigden at 703-605-0822.

/s/ Tom Harbour (for)
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