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Federal Court Permits Counties, Cities, and Industry Group's to Participate as Amicus Party on Key Case Regarding Use of Aerial Fire Retardants to Fight Wildfires

SACRAMENTO, CA — Today, in a court case challenging the U.S. Forest Service's (USFS) ability to use chemical fire retardants to combat wildfires while it seeks a Clean Water Act (CWA) permit, the U.S. District Court for the District of Montana denied the motion to intervene. However, the judge has ruled that the extraordinarily broad group of forest coalitions and communities affected by wildfires be permitted to participate collectively as an amicus party in the case and will be allowed oral argument on the summary judgment motion.

"While we're disappointed that the judge denied our motion to intervene, we are heartened that he recognized that as responsible stewards of the land and as communities devastated by wildfires, he is open to hearing our voices as friends of the court. This case is extraordinarily important to our ability to protect ourselves, as well as firefighters, from increasingly frequent and intense wildfires. We simply can't afford to deprive firefighters of one of their most powerful tools to combat these serious threats to habitat, property and lives," **said Matt Dias of the California Forestry Association.**

The California Forestry Association joined the Town of Paradise, California, which was devastated in the 2018 Camp Fire, Butte and Plumas counties, California, Rural County Representatives of California, American Forest Resource Council, National Alliance of Forest Owners, Federal Forest Resource Coalition, Montana Wood Products Association, Oregon Forest Industry Council, Washington Forest Protection Association, California Farm Bureau, National Wildfire Suppression Association, and California Women for Agriculture in petitioning the U.S. District Court for the District of Montana to join the case brought in October 2022 by Forest Service Employees for Environmental Ethics.

BACKGROUND:

The Forest Service Employees for Environmental Ethics (FSEEE) sued the USFS to enjoin the use of aerial fire retardants used to fight wildfires. FSEEE asserts that USFS must obtain a CWA permit to "discharge" fire retardant from airplanes. While the USFS agreed to obtain a CWA permit, the process to obtain a permit takes at least 2-3 years.

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