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GROUP WINS LAWSUIT TO PROTECT FIREFIGHTERS AND THE ENVIRONMENT FROM TOXIC AERIAL FIRE RETARDANT

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(Missoula, MT) -- In an opinion released today, Montana U.S. District Court Judge Don Molloy ruled that the U.S. Forest Service's use of millions of gallons of toxic aerial fire retardant annually violates two environmental laws. The judge ordered the Forest Service to comply with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA), but issued no injunction stopping retardant use because the plaintiff, Forest Service Employees for Environmental Ethics, had not requested one. FSEEE is a non-profit organization of Forest Service employees and citizens who care about the nation's forests.

"This is the first step to a new way of managing fire in our national forests that truly protects people, communities, healthy forests, firefighters, and the environment," said Andy Stahl, FSEEE Executive Director.

The court found that the Forest Service dumps on average 15 million gallons of fire retardant annually and, in some years, as much as 40 million gallons. The retardant is a slurry of 85% water and 15% retardant chemicals that include fertilizer compounds and, in some retardant brands, sodium ferrocyanide. Over a one-year period, the judge noted that retardant had been dumped into streams with endangered fish at least eight times, resulting in fish kills.

Complying with NEPA will require that the Forest Service disclose to the public the environmental harm from using aerial retardant to fight fires and consider alternative chemical formulations and firefighting methods. The judge noted that the Forest Service's decision "not to involve NEPA appears to be a political decision."

The ESA requires the Forest Service protect threatened and endangered species from fire retardant harm.

"We will be asking the judge for a timeline to ensure the Forest Service promptly obeys these laws," explained Marc Fink of the Western Environmental Law Center, which represents FSEEE in the case.

The court's opinion is available on-line at <http://www.fseee.org/press/retardantorder.pdf>.