

# Congress of the United States

Washington, DC 20515

March 15, 2023

Dear

I write to request your support for my bipartisan bill, H.R. 1586 - the Forest Protection and Wildland Firefighter Safety Act of 2023.

H.R. 1586 creates a Clean Water Act exemption for federal, state, local, and tribal firefighting agencies to use fire retardant to fight wildfires. As you know, fire retardant is an essential tool used to contain or slow the spread of wildfires. Currently the Forest Service and other agencies are operating under the assumption that a National Pollutant Discharge Elimination System (NPDES) permit is not required for the use of fire retardant because the regulations specifically state that fire control is a "non-point source silvicultural activity" and communications from EPA dating back to 1993 indicated a permit is not required.

This bill is needed because an environmentalist group is suing the Forest Service under the Clean Water Act to require a NPDES permit to use fire retardant and they have requested an injunction on the use of fire retardant until the Forest Service receives this permit, which could take years. If the injunction is granted and fire retardant is not available for use in the 2023 fire year, firefighters and individuals living in forested communities would be in greater danger, and millions of acres of forested land and billions of dollars of infrastructure would be at risk.

I appreciate your consideration of this pressing concern. We must be able to fight wildfires with everything we have, and limiting firefighting agencies' ability to do so flies in the face of forest conservation and our mission to protect nearby residents.

My bill has garnered bipartisan support throughout Congress. I was joined in introduction by the following Members of Congress: Jimmy Panetta (D-CA), Dan Newhouse (R-WA), John Duarte (R-CA), Russ Fulcher (R-ID), Tom McClintock (R-CA), John Garamendi (D-CA), Austin Scott (R-GA), Amata Radewagen (R-AS), Troy Nehls (R-TX), Lauren Boebert (R-CO), Rick Crawford (R-AR), Young Kim (R-CA), Ryan Zinke (R-MT), Blake Moore (R-UT), Burgess Owens (R-UT), Mike Simpson (R-ID), Trent Kelly (R-MS), Ken Calvert (R-CA), Pete Stauber (R-MN), Darrell Issa (R-CA), Mary Miller (R-IL), Kevin Kiley (R-CA), Matt Rosendale (R-MT), Jim Costa (D-CA), Jay Obernolte (R-CA), and Harriet Hagerman (R-WY).

Please refer questions or letters of support to [Alexandra.Lavy@mail.house.gov](mailto:Alexandra.Lavy@mail.house.gov) with my Washington, D.C. office.

Sincerely,



Doug LaMalfa  
Member of Congress

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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To allow the Secretary of the Interior and the Secretary of Agriculture to use a fire retardant, chemical, or water for fire suppression, control, or prevention activities.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. LAMALFA introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To allow the Secretary of the Interior and the Secretary of Agriculture to use a fire retardant, chemical, or water for fire suppression, control, or prevention activities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Forest Protection and  
5       Wildland Firefighter Safety Act of 2023”.

1 **SEC. 2. PERMITTING REQUIREMENTS FOR CERTAIN DIS-**  
2 **CHARGES OF FIRE RETARDANT.**

3 (a) AUTHORIZED USES.—The Secretary of the Inte-  
4 rior and the Secretary of Agriculture are each authorized  
5 to discharge a fire retardant, chemical, or water for fire  
6 suppression, control, or prevention activities.

7 (b) PERMITTING REQUIREMENTS.—Notwithstanding  
8 any provision of the Federal Water Pollution Control Act  
9 (33 U.S.C. 1251 et seq.), a permit under section 402 of  
10 such Act (33 U.S.C. 1342) shall not be required for the  
11 activities authorized by subsection (a) or for similar activi-  
12 ties conducted by a covered entity.

13 (c) DEFINITION.—In this section, the term “covered  
14 entity” means—

- 15 (1) the Forest Service;  
16 (2) the National Park Service;  
17 (3) the Bureau of Land Management;  
18 (4) the United States Fish and Wildlife Service;  
19 (5) the Bureau of Indian Affairs;  
20 (6) the Federal Emergency Management Agen-  
21 cy;  
22 (7) a State or a political subdivision thereof; or  
23 (8) a Tribal government.



*County of Lassen*  
**BOARD OF SUPERVISORS**

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March 21, 2023

US Representative Doug LaMalfa  
408 Cannon House Office Building  
Washington DC 20515

Subject: Support for HR 1586, Forest Protection and Wildland Firefighter Safety  
Act of 2023

Dear Representative LaMalfa:

On behalf of the Lassen County Board of Supervisors, I write in support for HR 1586, Forest Protection and Wildland Firefighter Safety Act of 2023. We appreciate your leadership on this critical issue and that the legislation has strong bi-partisan support.

The use of retardant is a vital tool that our firefighters need to have at their disposal. Providing a Clean Water Act exemption so that federal, state, local, and tribal firefighting agencies can continue to use fire retardant is necessary to keep this tool available. Our fire prone communities are at risk every year from the threat of wildfire. It is critical for the survival of our communities, forests, and safety of fire crew members to utilize retardant when deemed necessary. We have seen time and again, using retardant slows the spread of fire, protects homes, infrastructure, and communities by creating a boundary line of attack for fire crews.

It is imperative that we maintain our ability to fight wildfires effectively. Limiting firefighting agencies' ability to do so slow fires will harm forest conservation, endangered species protection, historic sites preservation, and our mission to protect nearby residents. Whether dropped from a plane, sprayed from a tanker truck, or hand applied by private homeowners, retardant is a tool that keeps our communities safe and our watersheds from being destroyed from damaging catastrophic wildfires. In the wildland - urban interface, we need this tool to protect critical infrastructure and human life.

We support your efforts on HR 1586.

Sincerely,

GARY BRIDGES, Chairman  
Lassen County Board of Supervisors

cc: Rural County Representatives of California (RCRC)  
California State Association of Counties (CSAC)