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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMERICAN FEDERATION OF
 GOVERNMENT EMPLOYEES, AFL-CIO, et
 al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
 AGRICULTURE; BROOKE ROLLINS, in her
 official capacity as Secretary of Agriculture,

Defendants.

Case No. 3:26-cv-09976-VC

**BRIEF OF AMICI CURIAE STATES OF
 WASHINGTON, CALIFORNIA,
 MARYLAND, ARIZONA,
 CONNECTICUT, DELAWARE,
 HAWAI'I, ILLINOIS, MAINE,
 MASSACHUSETTS, MICHIGAN,
 MINNESOTA, NEVADA, NEW JERSEY,
 NEW MEXICO, NEW YORK, OREGON,
 RHODE ISLAND, VERMONT,
 VIRGINIA, AND THE DISTRICT OF
 COLUMBIA**

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I. INTRODUCTION AND INTERESTS OF AMICI CURIAE

The States of Washington, California, Maryland, Arizona, Connecticut, Delaware, Hawai'i, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and the District of Columbia (Amici States) have a profound interest in ensuring that the U.S. Department of Agriculture (USDA) carries out any reorganization lawfully and responsibly. Amici States agree with Plaintiffs that USDA's reorganization is unlawful, but focus here on the harms that would be prevented by the preliminary injunction Plaintiffs seek and how the balance of equities favors an injunction.

Congress deliberately structured numerous USDA programs as federal-state partnerships, and countless state agencies rely every day on a functioning, adequately staffed USDA to carry out their own statutory obligations and serve their residents. Federal programs that conduct and facilitate research, support agricultural and rural communities, protect food supplies, administer nutrition assistance to families, conserve natural resources, and prevent and respond to devastating wildfires all depend on consistent federal communication and coordination with the state agencies that administer these programs on behalf of or in cooperation with USDA. Amici States have developed and now administer these programs in reliance on decades long partnerships with USDA. Thus, the consequences of the USDA's unlawful and ill-conceived "reorganization" will not be limited to the federal government. Instead, it will harm the federal-state partnerships directed by Congress and hinder Amici States' ability to carry out their own statutorily mandated functions and serve their residents.

USDA's reorganization efforts and involuntary relocation requirements, which force staff to choose between uprooting their lives or losing their jobs, have already resulted in high attrition, which will only increase, continuing to have damaging—sometimes devastating—consequences in Amici States. And because the states "possess sovereignty concurrent with that of the Federal Government," *Gregory v. Ashcroft*, 501 U.S. 452, 457 (1991), the harms USDA is causing Amici States constitute a distinct harm to the public interest. The requested preliminary injunction would advance the public interest by protecting the integrity of USDA's statutory programs, the cooperative-federalism schemes and federal-state partnerships established by Congress, the

specialized scientific and institutional knowledge that would otherwise be lost in the reorganization, the continuity of research and critical government functions, and the ability of the judiciary to provide meaningful relief after adjudicating the merits. If the reorganization is left to proceed, the injuries USDA would continue to inflict on Amici States and the public could not be undone. By contrast, the federal government can claim no legitimate public interest in proceeding with an agency reorganization that is contrary to express statutory direction, while the legality of that conduct remains under judicial review. *See League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (emphasizing a “substantial public interest ‘in having governmental agencies abide by the federal laws that govern their existence and operations’” (quoting *Washington v. Reno*, 35 F.3d 1093, 1103 (6th Cir. 1994))). The balance of equities weighs heavily in favor of injunctive relief. The Court should grant the Plaintiffs’ Motion for Preliminary Injunction.

II. ARGUMENT

A. The Forest Service Reorganization Threatens Amici States’ Ability to Prevent and Respond to Catastrophic Wildfire.

The reorganization of the Forest Service and resulting devastating loss of capacity, expertise, and institutional knowledge will harm Amici States in many ways. Congress deliberately embedded federal-state cooperation into the Forest Service’s governing statutes, and states rely on Forest Service scientific research and cooperative support to ensure healthy forests and manage forestlands in the face of a changing climate, protect important watersheds and wildlife habitat within National Forest System (NFS) lands, reduce the risk of wildfires, and fight wildfires when they occur. USDA’s reorganization of the Forest Service will irreparably harm all these programs and the states that rely on them.

Here, however, Amici States highlight one particularly critical and immediate harm stemming from the Forest Service reorganization: the reduction in the agency’s ability to prevent and respond to wildfires and to support state and local firefighting efforts. This matters now. Fires

are burning in our states, including within NFS lands.¹ Forest Service fire prevention and firefighting capacity is therefore critical to the safety of our states' resources and residents, and Amici States have a substantial and concrete interest in maintaining a capable federal firefighting workforce. In Washington State, the Forest Service owns 22 percent of the land.² California alone is home to more than 20 million acres of NFS land, making up 20 percent of the state's total land area.³ National Forests often border state forest land, and because wildfire does not respect jurisdictional boundaries, federal, state, tribal, and local agencies operate within a highly interdependent wildfire response system. The Forest Service itself recognizes that the "strength of the wildfire management system in the U.S. is that federal, tribal, state, and local government agencies all work together."⁴

The 2026 fire season has been, and continues to be, record-breaking across the country. As of September 10, 2026, more than 54,000 fires had been reported nationwide, representing more than 8.4 million acres burned.⁵ In Washington, more than 900,000 acres had burned as of September 14,⁶ and more than 840 structures have been destroyed in devastating fires in Spokane.⁷ The Big Grass Fire, burning along the shared Idaho-Oregon border, became the largest fire in Oregon state history after torching more than 578,000 acres.⁸ In July 2026, fires burned over

¹ See Nat'l Wildfire Coordinating Group, Northwest Large Fire Interactive Web Map, ArcGIS Experience, [Northwest Large Fire Interactive Web Map](#).

² Wash. State Dep't of Nat. Res., *Washington State Wildland Fire Protection 10-Year Strategic Plan*, at 44 (2019), https://dnr.wa.gov/sites/default/files/2025-05/rp_wildfire_strategic_plan.pdf.

³ U.S. Forest Serv. Pacific Southwest Region, <https://www.fs.usda.gov/r05>

⁴ U.S. Forest Serv., Partners, <https://www.fs.usda.gov/managing-land/fire/partners>. Agencies develop interagency standards, guidelines, qualifications, training, and other capabilities that enable interoperable operations through the National Wildfire Coordinating Group. See <https://www.nwcg.gov/>.

⁵ Nat'l Interagency Fire Ctr, Nat'l Fire News (Sept. 11, 2026), <https://www.nifc.gov/fire-information/nfn>.

⁶ Wash. Dep't of Nat. Res., DNR Wildfire Intel Dashboard, ArcGIS Experience, <https://experience.arcgis.com/experience/6cdda73cf6154949a1fae76ccb2900a0/page/Main-Page?views=Situation-Snapshot>.

⁷ NW Firewatch, 2026 Fire Season Surpasses 8.3 Million Acres as 66 Large Fires Burn Across Eight States (Sept. 8, 2026), <https://nwfirewatch.com/article/2026-fire-season-surpasses-83-million-acres-as-66-large-fires-burn-across-eight-states>. Approximately 64,000 residents were evacuated at the peak of the Spokane-area fire emergency. *Id.*

⁸ NW Firewatch, Big Grass Fire Nears Full Containment After Burning 578,637 Acres Across Oregon and Idaho (August 29, 2026), <https://nwfirewatch.com/article/big-grass-fire-nears-full-containment-after-burning-578637-acres-across-oregon-and-idaho>.

71,000 acres in the Boundary Waters Canoe Area Wilderness, which falls within the Superior National Forest, leading to “the most intense smoke pollution on record in Minnesota.”⁹ California has battled more than 13,000 wildfires that scorched over 800,000 acres of land since 2025.¹⁰ California’s fire season is far from over—heartbreaking disasters like the Palisades and Eaton Fires that devastated the Los Angeles area last year occurred in January. Against this backdrop, and with an already diminished Forest Service workforce, this reorganization—the agency’s latest attempt to relocate or force out experienced personnel—will further endanger the residents and resources of our states.

The Forest Service’s capacity to perform its wildfire prevention and firefighting duties has already deteriorated as a result of staff layoffs, retirement inducements, the deferred resignation program, and significant attrition.¹¹ In 2025, the Forest Service lost nearly 6,000 employees—approximately 16 percent of the agency.¹² Amici States are experiencing the consequences. In 2026, firefighters reported smaller crews, fewer experienced leaders, organizational gaps, and difficulty filling critical positions following federal staffing reductions.¹³ In particular, there has been significant loss of experienced personnel that support firefighting efforts with logistics and coordination.¹⁴ As one experienced wildland firefighter explained, “we rely on the nonfire personnel that have fire qualifications and do the logistical support, as well as help us with all of the things that allow us to actually go out there and fight fire. And by diminishing that side of the

⁹ See Minn. Dep’t of Nat. Res., *Dangerous Smoke Outbreak, July 14-17, 2026* (July 16, 2026), <https://www.dnr.state.mn.us/climate/journal/extreme-smoke-july-2026.html>; see also Dan Kraker, *Why the Devastating Boundary Waters Wildfires are Critical for a Healthy Minnesota Forest*, MPR News (Sept. 11, 2026), <https://www.mprnews.org/story/2026/09/11/boundary-waters-wildfires-play-critical-role-in-maintaining-healthy-minnesota-forests>.

¹⁰ Cal. Dep’t of Forestry & Fire Protection, <https://www.fire.ca.gov/our-impact/statistics>.

¹¹ U.S. Dep’t of Agric. Office of Inspector Gen., U.S. Department of Agriculture Staffing Levels, OAI Report 25-064-01, at 3 (Dec. 17, 2025), https://www.oversight.gov/sites/default/files/documents/reports/2025-12/USDA%20Staffing%20Levels%20Final%20Report%20-%20Dec%2017_508-signed.pdf.

¹² *Id.*

¹³ Brianna Sacks, ‘I’m so frustrated, I could cry’: Federal firefighters describe burnout, staff cuts, Washington Post, (July 5, 2026), <https://www.washingtonpost.com/climate-environment/2026/07/05/fires-rage-out-west-federal-firefighters-describe-mounting-strain/>.

¹⁴ Scott Dance, *Federal Job Cuts Are Making Wildfires Harder to Fight*, N.Y. Times, (Aug. 14, 2026), <https://www.nytimes.com/2026/08/14/climate/wildfires-forest-service-trump-cuts.html>.

workforce, it does directly affect how we fight fire.”¹⁵ Diminished federal wildfire response capacity upsets the balance of the interdependent wildfire response system, requiring Amici States to carry more of the burden, including spending additional state funds—often funds that were slated for other purposes, and finding additional staff, including firefighters, on short notice. And when it is the most experienced and specialized staff who leave, states cannot simply replace that institutional knowledge, especially when fires are already burning. Moreover, an understaffed Forest Service must devote the limited resources it does have to emergency suppression efforts, making it less capable of performing the preventative fuels reduction work necessary to reduce the number and severity of future fires, creating a devastating cycle.¹⁶

The Forest Service reorganization will compound existing problems and exacerbate the injuries resulting from the Forest Service’s already inadequate capacity to fulfill its critical wildfire-related functions. Rather than reorganizing in a structured way designed to retain and improve implementation of key functions, USDA has—by its own admission—structured this reorganization to force employees to resign and thereby reduce its workforce.¹⁷ Instead of a targeted or strategic reduction in staff, the Forest Service reorganization targets wide swaths of employees based in certain locations, such as the Pacific Southwest and Northwest Regional Offices in California and Oregon, without regard to the functions those employees perform. And many employees that would be forced to relocate or resign play key roles in coordinating wildfire response and “have no direct equivalent at the forest or district level.” Decl. of Matthew Ehrman, ECF 5-9, ¶ 7; *see* Decl. of Genny Kotyk, ECF 5-17, ¶ 9. Many are specialized, experienced staff with high-level fire qualifications who run incident management teams, responsible for planning, logistics, and coordination critical to fighting catastrophic wildfires. Kotyk Decl., ECF 5-17, ¶ 9.

¹⁵ Scott Simon, *On the Line: Wildland firefighter Justin Brown on battling a historic fire season*, Weekend Edition Saturday, NPR, (Sept. 5, 2026) <https://www.npr.org/2026/09/05/nx-s1-5954228/on-the-line-wildland-firefighter-justin-brown-on-battling-a-historic-fire-season> (quoting Justin Brown).

¹⁶ Anna Kenig-Ziesler, Alison C. Cullen & Erin J. Belval, *A Quantitative Analysis of Firefighter Availability and Prescribed Burning in the Okanogan-Wenatchee National Forest*, 8 Fire 167 (2025), <https://doi.org/10.3390/fire8050167> (finding quantitative evidence that lack of firefighter availability due to prior deployment for wildfire suppression or other purposes is a significant barrier to prescribed burning).

¹⁷ *See, e.g., AFG v. Trump*, No. 3:25-cv-03698-SI (N.D. Cal), Dkt. 457 at 31 (“USDA has consistently represented ... that its reorganization plans include ... downsizing.”).

Teams that manage emergency response for large, complex, and multi-fire incidents that operate out of soon-to-be-closed offices could lose all or most of their members, which would adversely affect “fire readiness and public safety.” Ehrman Decl., ECF 5-9, ¶ 13. Even if the Forest Service does rehire for these positions, it will not be in time for the remainder of the 2026 fire season and likely not for the 2027 fire season. It will take at least one year, and likely longer, to hire new staff and for that staff to complete the training necessary to serve on wildfire response teams. Reply Decl. of Matthew Ehrman., ECF 5-10, ¶¶ 9-12. Moreover, new employees will lack the experience and institutional knowledge necessary to support successful firefighting. *Id.* Simply put, the type of experience and institutional knowledge that will be lost in this reorganization will take many years to regain, even if adequate resources are allocated, to the detriment of Amici States and the public interest. *Id.*

The poor planning and disorganized implementation of the Forest Service “reorganization” will exacerbate documented staffing issues and deficiencies in capacity, substantially disrupt operations during an ongoing wildfire crisis, and amplify the already occurring injuries to Amici States. The Forest Service should not experiment with the structure of an agency critical to an intergovernmental fire response system in the midst of a wildfire crisis.

B. The Agriculture Research Service Reorganization Jeopardizes Critical Research and Threatens Food Security.

USDA’s “reorganization” of the Agricultural Research Service (ARS) and related science and research subagencies threatens to upend decades of progress in agricultural research and would undermine the purpose and functionality of USDA’s Research, Education, and Economics mission area. Amici States, along with the beneficiaries of American agricultural research in general, stand to benefit from this Court granting Plaintiffs’ request for emergency relief halting USDA’s shortsighted and reckless actions.

One of the most significant and destructive aspects of USDA’s reorganization is the closure of the Beltsville Agricultural Research Center (BARC) in Beltsville, Maryland. BARC is the longstanding home of ARS and has been a mainstay of American agricultural research for over a century since its establishment in 1910. Its closure will have a significant impact not just

on Maryland and the surrounding region but on the agency's broader research mission, other states that rely on ARS research, and the nation's agricultural producers and consumers. Over the years, BARC scientists have driven some of the most groundbreaking agricultural and food safety discoveries, including early research on *Salmonella* bacteria and pasteurization, and its laboratories and researchers continue to support agricultural producers across the country today.¹⁸ BARC is widely regarded as one of the most advanced and influential agricultural research centers in the world, and contrary to the characterizations by current agency leadership, BARC remains a critical and irreplaceable pillar of the country's food system.¹⁹

Researchers at BARC's Bee Research Laboratory, often called the "Bee Lab," discovered the culprit behind the recent unprecedented deaths of honeybees across the country—a parasitic, pesticide-resistant mite—a discovery made possible by the experienced researchers, specialized equipment, and years of samples collected by the Bee Lab at BARC.²⁰ USDA officials have described the reorganization as intended to "bring USDA closer to its customers."²¹ But using this assertion to justify the wholesale closure of BARC overlooks both the robust agricultural industry present in the mid-Atlantic region and the importance of BARC's specific location to programs with nationwide benefits like the Bee Lab. For example, the temperate climate of the region allows BARC researchers to study bees in their natural habitats nearly year-round, while BARC's distance from many commercial bee farms allows it to precisely study beehives in a controlled environment essential to sound science. Neither is true of the North Dakota location to which

¹⁸ Stephanie Yao, *Celebrating 100 Years of Beltsville Agricultural Research*, Agric. Rsch., at 4-8 (April 2010), <https://agresearchmag.ars.usda.gov/AR/archive/2010/Apr/research0410.pdf> [https://perma.cc/NV5K-WW97]; Decl. of Roy Funkhouser, ECF 5-38, ¶ 8.

¹⁹ See Pls.' Mot. for PI, ECF 5-1 at 9; *see also* Beltsville Distinguished Senior Rsch. Scientists Comm., *A Vision for Long-Term Scientific Leadership in Beltsville*, U.S. Dep't of Agric., Agric. Rsch. Serv. (Jan. 31, 2025), [A Vision for Long-Term Scientific Leadership in Beltsville : USDA ARS](#); *contra* Dep. Sec Stephen Vaden, U.S. Dep't of Agric. (@DepSecVaden), X (Dec. 5, 2025, 8:33 AM),

<https://x.com/DepSecVaden/status/1996981289119863067?s=20> [https://perma.cc/BYA6-42S9].
²⁰ Joanna Thompson, *Scientists Identify Culprit Behind Biggest Ever U.S. Honey Bee Die-Off*, 389 Sci. 114, 114-15 (Jun. 30, 2025), <https://www.science.org/content/article/scientists-identify-culprit-behind-biggest-ever-u-s-honeybee-die>; *cf.* Decl. of Zachary Lamas, ECF 5-54, ¶¶ 5-10, 21-23.

²¹ U.S. Dep't of Agric., *Secretary's Memorandum SM 1078-015: Department of Agriculture Reorganization Plan*, at 2 (July 24, 2025), <https://www.usda.gov/sites/default/files/documents/sm-1078-015.pdf>.

many BARC Bee Lab researchers have been reassigned.²² BARC’s Bee Disease Diagnosis Service continues to bolster American agriculture by helping beekeepers across the country detect and defend against pests at a time of growing threats to pollinators, a key element of the agricultural supply chain.²³

More recently, reporting emerged that the USDA reorganization is upending and relocating the scientists, equipment, and samples involved in ongoing research at BARC studying cyclospora, a foodborne parasite that can cause severe illness, just as the country is in the midst of the worst cyclospora outbreak on record.²⁴ On at least one ongoing cyclospora research project at BARC, “every scientist working on the parasite has declined to relocate,” thus the reorganization risks an irreversible loss of both institutional knowledge and expertise, as well as specialized and sensitive samples collected at BARC, which are necessary to continue this research.²⁵ Jeopardizing this research bears out the broader concerns with shuttering BARC, which is home to many repositories of sensitive organic matter,²⁶ recent investments in expensive technical equipment,²⁷ and long-term agricultural research that cannot be simply moved from one place to another.²⁸

²² Lamas Decl., ECF 5-54, ¶ 15; Joanna Thompson, *USDA Accelerates Plan to Close its Flagship Scientific Campus*, 393 Sci. 132, 132-133 (July 1, 2026), <https://www.science.org/content/article/usda-accelerates-plan-close-its-flagship-scientific-campus>; cf. Reply Decl. of Dr. Patricia Millner, ECF 5-58, ¶ 7.

²³ See generally Funkhouser Decl.; Lamas Decl.; Thompson, *supra* n.19.

²⁴ Marcia Brown & Rachel Shin, *USDA Cyclospora Research Projects Shelved Amid Funding Cuts and Relocations*, POLITICO (Aug. 30, 2026), <https://www.politico.com/news/2026/08/30/usda-cyclospora-research-projects-01055989> (“While BARC scientists are being asked to relocated within a few weeks, USDA management has told them that their research equipment may not follow for months, leaving them effectively unable to continue their work...”); Alice Callahan & Caroline Hopkins Legaspi, *Cyclosporiasis Cases in the United States Hit Record High*, N.Y. TIMES (July 21, 2026), <https://www.nytimes.com/2026/07/21/well/cyclospora-cases-record-cdc.html>.

²⁵ Brown & Shin, *supra* n.7.

²⁶ See, e.g., Thompson, *supra* n.18; Decl. of Dr. Patricia Millner, ECF 5-57, ¶ 20; Decl. of Dr. Joan Lunney, ECF 5-56, ¶ 22.

²⁷ See, e.g., Millner Decl., ECF 5-57, ¶¶ 17-23; Lunney Decl., ECF 5-56, ¶¶ 19-21.

²⁸ Lunney Decl., ECF 5-56, ¶ 18; *Lower Chesapeake Bay*, Long-Term Agroecosystem Research Network, U.S. Dep’t of Agric., Agric. Rsch. Serv. (Nov. 19, 2025), <https://ltar.ars.usda.gov/sites/lcb/> (BARC “[s]tudies in some of these locations date to as early as 1910.”); Rhiannon Evans, *State Officials Troubled Over Upcoming Closure of Federal Agricultural Research Center in Maryland*, CAP. NEWS SERV. (May 17, 2026), <https://cnsmaryland.org/2026/05/17/state-officials-troubled-over-upcoming-closure-of-federal-agricultural-research-center-in-maryland/>.

1 Additionally, the reorganization will again uproot large portions of the Economic
 2 Research Service (ERS) and National Institute of Food and Agriculture (NIFA), less than 10
 3 years after their last mass relocations.²⁹ Those prior relocations were later subject to an
 4 investigation by the Government Accountability Office, an independent, non-partisan agency,
 5 which found that USDA’s failure to follow “leading practices for effective agency reforms”
 6 resulted in a significant loss of long-tenured agency staff and a marked drop in agency
 7 productivity and constituent services.³⁰ Yet, USDA threatens to make the same mistakes again,
 8 failing to account for the costs of widespread and experienced employee attrition. Similar, if not
 9 worse, impacts can be expected across USDA’s Research, Education, and Economics mission
 10 area if the USDA reorganization proceeds.

11 Amici States have a strong interest in the continued support and stability of BARC, the
 12 ARS, and USDA’s scientific mission. BARC has been a longstanding pillar of economic growth
 13 in Prince George’s County, and the State of Maryland has long benefited from the relationship
 14 between USDA researchers and facilities at BARC and University of Maryland students and
 15 faculty.³¹ BARC is also home to the University of Maryland’s Paint Branch Turfgrass Facility, an
 16 unparalleled research facility located in a turfgrass transition zone that benefits farmers,
 17 consumers, and the turfgrass industry.³²

18 The unique proximity of the University of Maryland to numerous federal agencies,
 19 including USDA at BARC, NASA, and the National Arboretum, has fostered a culture of

20 ²⁹ Pls.’ Mot. for Prelim. Injunct., ECF 5-1, at 9-10; Jory Heckman, *Three-Quarters of*
 21 *USDA Workers Tapped to Relocate Tell Union They’re Not Going*, MD. MATTERS (May 13,
 22 2026), [https://marylandmatters.org/2026/05/13/three-quarters-of-usda-workers-tapped-to-](https://marylandmatters.org/2026/05/13/three-quarters-of-usda-workers-tapped-to-relocate-tell-union-theyre-not-going/)
 23 [relocate-tell-union-theyre-not-going/](https://marylandmatters.org/2026/05/13/three-quarters-of-usda-workers-tapped-to-relocate-tell-union-theyre-not-going/). ERS and NIFA play important roles in reducing poverty
 and food insecurity. ERS provides the economic analysis and foundational data needed to
 measure program impacts while NIFA delivers the federal funding for community programs,
 research, and nutrition education.

24 ³⁰ U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-23-104709, *Agency Relocations:*
 25 *Following Leading Practices Will Better Position USDA to Mitigate the Ongoing Impacts on Its*
Workforce (Dec. 2022), <https://www.gao.gov/assets/gao-23-104709.pdf> [hereinafter GAO
 REPORT]].

26 ³¹ E.g., Decl. of Angela Fair, ECF 5-49; Decl. of Samuel B. Moki, ECF 5-51; Comments
 27 of Att’y Gen. Anthony G. Brown on U.S. Dep’t of Agric. Reorganization Plan, Secretarial Mem.:
 SM 1078-015 (MD Off. of the Att’y Gen., Sept. 5, 2025), <https://perma.cc/H2NW-K3E8>
 (hereinafter “MD Att’y Gen. Cmts.”).

28 ³² See *Roots in Research Newsletter – Paint Branch Turfgrass Facility 2022*, UNIV. OF
 MD., COLLEGE OF AGRIC. & NAT. RES., <https://perma.cc/Z2Q6-NF2X>.

1 innovation and discovery that attracts top talent to the region, advances agricultural policy, and
 2 improves agency coordination in ways that cannot be replicated elsewhere.³³

3 **C. The USDA Reorganization Harms the States by Thwarting the**
 4 **Administration of Indispensable Federal-State Food and Nutrition**
 5 **Partnerships.**

6 Amici States depend heavily on the USDA Food and Nutrition Administration (FNA) to
 7 supply life-sustaining nutrition-assistance benefits—as well as the federal administrative and
 8 operational guidance to administer them—to the states’ most vulnerable residents. Each of FNA’s
 9 critical nutrition-assistance programs serves the most vulnerable of Amici States’ residents,
 10 including children; low-income families; seniors; pregnant, postpartum, and breastfeeding
 11 women; and infants, helping shield them from food insecurity.³⁴ Nearly all of FNA’s critical
 12 nutrition-assistance programs are operated as federal-state partnerships,³⁵ including the
 13 Supplemental Nutrition Assistance Program (SNAP) , the Special Supplemental Nutrition
 14 Program for Women, Infants, and Children (WIC), the Emergency Food Assistance Program
 15 (TEFAP), the National School Lunch, School Breakfast and Summer Food Service Programs, and
 16 natural disaster-related food-assistance programs, known as SNAP-D.

17 While FNA funds these national food and nutrition programs, states effectuate them. State
 18 and local governments manage day-to-day program implementation and benefits distribution
 19 among their neediest residents. To administer FNA’s vital programs to millions of residents,
 20 Amici States rely heavily on the specific programmatic expertise of FNA personnel and FNA
 21 infrastructure for technical support, program administration guidance, quality-control reviews,
 22 and operating funds, to name just a few core FNA functions of the federal-state partnerships.
 23 Decl. of Cynthia Long, ECF 5-55, ¶¶ 15-18. Untimely fulfillment of these FNA duties can result
 24 in disruption of services. For example, delayed FNA responses to requests for waivers of SNAP

25 ³³ See, e.g., Fair Decl., ECF 5-49, ¶¶ 8-9; Md. Att’y Gen. Cmts at 4; *ACRES*,
 26 <https://www.nasaacres.org/> [<https://perma.cc/RM8A-DZSY>].

27 ³⁴ See Food & Nutrition Admin., U.S. Dep’t of Agric., *About FNA*,
 28 <https://www.fna.usda.gov/about>; Jordan W. Jones, U.S. Dep’t of Agric., Econ. Rsch. Serv., *Total*
Spending on USDA's Food and Nutrition Assistance Programs Continued to Fall in Fiscal Year
2025 (Aug. 31, 2026), <https://www.ers.usda.gov/data-products/chart-gallery/58388>.

³⁵ The very few FNA programs that are not operated strictly as federal-state partnerships
 are administered cooperatively between USDA and non-federal entities, such as tribal or
 territorial governments.

1 regulations to administer SNAP more efficiently and effectively also delay states' ability to
2 implement changes and train staff, which could cause case errors.

3 Further, the states' need for FNA guidance is greater than ever. New requirements from
4 the One Big Beautiful Bill Act require additional assistance. Decl. of Ellen Mei, ECF 5-22, ¶ 20.
5 The Bill also included a new requirement that will financially penalize states with a payment error
6 rate above six percent. One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 84 (2025). This
7 makes obtaining expert assistance with implementation more critical than ever.

8 And the USDA reorganization assuredly will cause significant FNA attrition that will
9 harm Amici States and their ability to implement vital FNA programs. Amici States' nutrition
10 agencies have already experienced harm from FNA staff departures enabled and encouraged by
11 the administration since 2025, including untimely reimbursement for states' administrative
12 expenses, delayed programmatic waiver approvals, and failures to respond to requests for
13 programmatic direction and technical assistance. Long Decl., ECF 5-55, ¶¶ 18-19. Prior to the
14 proposed reorganization, FNA already had lost 35 percent of its staff. *Id.*

15 USDA's plans for the FNA reorganization foretell even more drastic reductions to an
16 already thinned-out agency. FNA staff are primarily located in the Washington, D.C., area and
17 seven regional offices around the country. Five of those seven regional offices are slated to be
18 closed in the reorganization. Long Decl., ECF 5-55, ¶ 28. FNA staff will be relocated largely by
19 program area to five USDA "hub" cities that are generally nowhere near the current regional
20 offices. For example, the FNA plans to shutter the Western Regional Office located in San
21 Francisco, California. *See* Mei. Decl., ECF 5-22, ¶ 11. SNAP staff, many of whom have years of
22 nutrition-assistance technical expertise, are scheduled to be reassigned and relocated to a new
23 SNAP Implementation and Oversight hub in Indianapolis, Indiana.³⁶ Similarly, all FNA staff
24 assisting Amici States with crucial WIC benefits will be relocated from current regional and
25 headquarters locations to Kansas City, Missouri.³⁷

26 Based on survey results, up to 75 or 80 percent of FNA staff may not relocate, leaving the

27 ³⁶ *See* Food & Nutrition Admin., U.S. Dep't of Agric., *Reorganization*,
28 <https://www.fna.usda.gov/about/reorganization>; Mei Decl., ECF 5-22, ¶ 14.

³⁷ Mei Decl., ECF 5-22, ¶ 14.

1 agency instead. Mei Decl., ECF 5-22, ¶ 26. This level of attrition—compounded by the 35
2 percent reduction in staff just last year—is expected to have immediate and profound effects on
3 the services provided to the states. Even if attrition levels are somewhat lower, the states
4 anticipate reductions in services. It is very likely that state programs will be unable to access
5 assistance at all, let alone within a reasonable amount of time. Mei Decl., ECF 5-22, ¶ 33. The
6 expertise that will be lost cannot be easily or quickly regained through hiring new staff in the new
7 locations. Mei Decl., ECF 5-22, ¶ 33.

8 Consequently, because of the misguided and counterproductive USDA reorganization and
9 its effect on staffing, Amici States will need to divert their own scarce resources in an attempt to
10 fill the resulting gaps. Regardless, some gaps cannot be filled by states, and their residents will
11 experience delays in receiving critical nutrition benefits. The disruption in guidance, technical
12 assistance, and other duties formerly fulfilled by FNA will force Amici States to absorb additional
13 administrative burdens and costs in an attempt to buffer the degradation of service in supplying
14 essential nutrition benefits to their residents. This harms Amici States and their neediest, most
15 vulnerable residents, including children. The public interest is best served by ensuring these
16 critical nutrition services reach those that need it most as intended by Congress.

17 **D. CONCLUSION**

18 For the foregoing reasons, the Court should GRANT Plaintiffs’ Motion for Preliminary
19 Injunction.

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