

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL FAMILY FARM
COALITION, CENTER FOR FOOD
SAFETY, CENTER FOR
BIOLOGICAL DIVERSITY, and
PESTICIDE ACTION NETWORK
NORTH AMERICA,

Petitioners,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY, and GINA MCCARTHY,
in her official capacity as
Administrator,

Respondents.

Case No.

PETITION FOR REVIEW

and

**CORPORATE DISCLOSURE
STATEMENT**

PETITION FOR REVIEW

Pursuant to Section 16(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136n(b), and Rule 15(a) of the Federal Rules of Appellate Procedure, Petitioners National Family Farm Coalition, Center for Food Safety, Center for Biological Diversity, and Pesticide Action Network North America (collectively Petitioners) hereby petition this Court to review the final order of the United States Environmental Protection Agency (EPA) granting a

conditional registration for the new uses of the herbicide dicamba for use on genetically engineered cotton and soybean that have been engineered to resist dicamba in thirty-four states. Petitioners respectfully petition this Court to find that (1) EPA violated its duties under FIFRA in issuing the conditional registration, and (2) EPA violated the Agency's duties under the Endangered Species Act (ESA), 16 U.S.C. §§ 1533-44, by failing to consult with the United States Fish and Wildlife Service or the National Marine Fisheries Service to insure that conditionally registering dicamba for uses on genetically engineered cotton and soybean in the thirty-four states will not jeopardize any listed species or destroy or adversely modify any of their critical habitats, *see* 16 U.S.C. § 1536 (a)(2), and to grant relief as may be appropriate.

The challenged final order was announced in a regulatory decision document that was dated and entered on EPA Docket EPA-HQ-OPP-2016-0187 on November 9, 2016, after public notice and comment, and without any agency adjudication or hearing. A copy of this final regulatory decision document is attached as Exhibit A to this petition.

Under the law of the Ninth Circuit, Petitioners are required to file their FIFRA claims in the Court of Appeals. Petitioners do not waive any argument concerning jurisdiction of claims under the ESA by including them here.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, Petitioners National Family Farm Coalition, Center for Food Safety, Center for Biological Diversity, and Pesticide Action Network North America certify that they have no parent corporations and that no publicly held corporation owns more than ten percent of the Petitioners.

Respectfully submitted this 20th day of January, 2017.

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