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*Attorneys for Federal Defendants*

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ARIZONA  
 TUCSON DIVISION**

**Center for Biological Diversity, et al.,**

Plaintiffs,

v.

**United States Environmental Protection  
 Agency, et al.,**

Defendants.

)  
 ) No. 4:20-cv-00555-DCB  
 )  
 )  
 ) **UNOPPOSED MOTION FOR**  
 ) **ABEYANCE**  
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Defendants U.S. Environmental Protection Agency, et al. (collectively, “EPA”), respectfully request that the Court hold this case in abeyance and toll Defendants’ deadline to respond to the Complaint for a period of 60 days. Neither Plaintiffs nor Movants for Intervention oppose this motion.

This case concerns EPA’s October 27, 2020 issuance of notices of registration under the Federal Insecticide, Fungicide, and Rodenticide Act for three pesticide products: the “Engenia Herbicide Registration,” the “A21472 Plus VaporGrip

1 Technology Registration,” and the “XtendiMax with VaporGrip Technology  
2 Registration” (collectively, the “Registrations”). *See* Compl. Ex. B, C, D.

3       On January 20, 2021, President Biden issued Executive Order 13,990, “Protecting  
4 Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.”  
5 86 Fed. Reg. 7037 (Jan. 25, 2021). The Executive Order directs the heads of all agencies  
6 to “immediately review all existing regulations, orders, guidance documents, policies,  
7 and any other similar agency actions (agency actions) promulgated, issued, or adopted  
8 between January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or  
9 present obstacles to” certain policies set forth in the Executive Order. *Id.* at 7037. In  
10 conformance with that Executive Order, EPA is reviewing its agency actions  
11 promulgated, issued, or adopted between January 20, 2017, and January 20, 2021,  
12 including the Registrations at issue here. In light of that review, EPA has requested that  
13 the Department of Justice seek abeyances, stays, or extensions of time in cases  
14 challenging such agency actions, including this case. *See* Letter from Melissa A. Hoffer,  
15 Acting General Counsel, EPA, to Jean E. Williams & Bruce S. Gelber, Deputy Assistant  
16 Attorneys General, Environment & Natural Resources Division, U.S. Department of  
17 Justice (attached as Exhibit 1).

18       Accordingly, EPA respectfully requests that the Court hold this case in abeyance  
19 and toll EPA’s deadline to respond to the Complaint for 60 days. The requested abeyance  
20 period is necessary to allow time for EPA staff to brief new leadership on the  
21 Registrations challenged here and for new EPA leadership to review the Registrations in  
22 conformance with Executive Order 13,990. It is possible that in response to this review,  
23 EPA may undertake actions that could resolve some or all of the issues in this case.  
24 Abeyance is appropriate to preserve the resources of the parties and of the Court,  
25 especially at this early stage of litigation, when EPA has not filed a response to the  
26 Complaint.

1 For the foregoing reasons, EPA respectfully requests that the Court hold this case  
2 in abeyance and toll all deadlines for a period of 60 days.

3 DATED this 4th day of February, 2021.

4 /s/ Simi Bhat

5 SIMI BHAT

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 4, 2021, I filed the foregoing document electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Simi Bhat

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