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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.,**

Federal Defendants, and

**Bayer Cropscience LP, BASF Corp., and
Syngenta Crop Protection, LLC,**

Defendant-Intervenors.

) No. 4:20-cv-00555-DCB

)
)
) **REPORT REGARDING FUTURE
REGULATORY ACTION**

1 Federal Defendants U.S. Environmental Protection Agency, *et al.* (“EPA”) submit
2 this Report to inform the Court of future regulatory action regarding the dicamba-based
3 products at issue in this litigation.

4 As of Thursday, January 26, 2023, EPA has received proposals from Intervenor
5 Bayer, Syngenta, and BASF to amend labels governing use of their dicamba-based
6 pesticide products. Before last Thursday, EPA had received proposed label amendments
7 from only two of these three companies.

8 EPA has now received the information necessary to make a decision on the
9 proposed label amendments for all three registered products. The Agency intends to act
10 on the proposals expeditiously and anticipates approving or denying the proposed
11 amendments within a matter of weeks—by mid-February. If approved, the proposed
12 amendments would take effect before the 2023 growing season.

13 Intervenor have claimed their proposed amendments as confidential, so EPA is
14 not at liberty to discuss the details of those proposals.

15 EPA has already notified the parties of this development and has offered to discuss
16 what effect, if any, EPA’s action on the proposed amendments could have on this case.

17 EPA will promptly notify the parties and the Court as soon as EPA’s action on the
18 proposed amendments is complete.

19 DATED this 31st day of January, 2023.

20
21 /s/ Andrew S. Coghlan

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 31, 2023, 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/ Andrew S. Coghlan
ANDREW S. COGHLAN
Attorney for Federal Defendants