

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.

/s/ George A. Kimbrell

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