

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CENTER FOR FOOD SAFETY,
NATIONAL FAMILY FARM
COALITION, PESTICIDE ACTION
NETWORK NORTH AMERICA,
BEYOND PESTICIDES,
ENVIRONMENTAL WORKING
GROUP, and CENTER FOR
BIOLOGICAL DIVERSITY,

Petitioners,

v.

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

Respondents.

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, Center for Food Safety, National Family Farm Coalition, Pesticide Action Network North America, Beyond Pesticides, Environmental Working Group, and Center for Biological Diversity (collectively

“Petitioners”) hereby petition this Court to review and set aside in whole the final order of the United States Environmental Protection Agency (“EPA”) granting unconditional registration of Enlist Duo Herbicide (“Enlist Duo”), CAS Number 048373-72-3, containing the active ingredients 2,4-Dichlorophenoxyacetic acid (“2,4-D”) and glyphosate, on the grounds that EPA registered Enlist Duo in violation of FIFRA and Section 7 of the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1533-44. A copy of EPA’s final order 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 regarding jurisdiction of claims under the ESA by including them here.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, Petitioners Center for Food Safety, National Family Farm Coalition, Pesticide Action Network North America, Beyond Pesticides, Environmental Working Group, and Center for Biological Diversity certify that they have no parent corporations and that no publicly held corporation owns more than 10% of the Petitioners.

Respectfully submitted this 30th day of October, 2014.

/s/ George A. Kimbrell

George A. Kimbrell
Sylvia Shih-Yau Wu
Center for Food Safety
303 Sacramento Street, 2nd Floor
San Francisco, CA 94111
T: (415) 826-2270 / F: (415) 826-0507
Email: gkimbrell@centerforfoodsafety.org
swu@centerforfoodsafety.org

/s/ Paul H. Achitoff

Paul H. Achitoff
Earthjustice
850 Richards Street, Suite 400
Honolulu, Hawai'i 96813
T: (808) 599-2436 / F: (808) 521-6841
Email: achitoff@earthjustice.org

Gregory C. Loarie
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111-4608
T: (415) 217-2000 / F: (415) 217-2040
Email: gloarie@earthjustice.org

Counsel for Petitioners