

Case No. _____

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MIGRANT CLINICIANS NETWORK, BEYOND PESTICIDES, CENTER
FOR BIOLOGICAL DIVERSITY, ENVIRONMENTAL CONFEDERATION
OF SOUTHWEST FLORIDA, FARMWORKER ASSOCIATION OF
FLORIDA, FARMWORKER JUSTICE, NATURAL RESOURCES DEFENSE
COUNCIL, INC., AND UNITED STATES PUBLIC INTEREST RESEARCH
GROUP

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND
MICHAEL S. REGAN, in his official capacity as Administrator of the
United States Environmental Protection Agency,

Respondents.

**PETITION FOR REVIEW
of a final order of the U.S. Environmental Protection Agency**

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Environmental Confederation of
Southwest Florida, Farmworker
Association of Florida, and Farmworker
Justice*

Dated: March 25, 2021

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PETITION FOR REVIEW

Pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure and section 16(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136n(b), Petitioners Migrant Clinicians Network, Beyond Pesticides, Center for Biological Diversity, Environmental Confederation of Southwest Florida, Farmworker Association of Florida, Farmworker Justice, Natural Resources Defense Council, and United States Public Interest Research Group petition this Court to review and set aside the final order of the U.S. Environmental Protection Agency (EPA) granting unconditional registration of the new use of the active ingredient streptomycin sulfate on citrus crop group 10-10 for a period of seven years.

Petitioners respectfully petition this Court to find that EPA's approval of streptomycin as a pesticide on citrus violated the Federal Insecticide, Fungicide, and Rodenticide Act because the Agency failed to ensure that the use of streptomycin would not cause unreasonable harm to human health or the environment. 7 U.S.C. §§ 136a(c)(5)(C), (D), 136(bb). Petitioners further request that this Court find that EPA violated the

Endangered Species Act by failing to consult with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to insure EPA's action will not jeopardize any listed species or destroy or adversely modify any of their critical habitats. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a).

The challenged order was finalized in two regulatory decision documents signed on January 12, 2021, and entered on EPA docket EPA-HQ-OPP-2016-0067, after public notice and comment. Pursuant to 40 C.F.R. § 23.6, the order became final for the purpose of this Court's jurisdiction on January 26, 2021, at 1:00 p.m. eastern time. The final regulatory decision documents are attached as Exhibit A to this petition; the accompanying document announcing EPA's decision is also attached as Exhibit B.

Dated: March 25, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Petition for Review, the exhibits thereto, and the accompanying Corporate Disclosure Statement to be served by certified mail on respondents at the following addresses:

Michael S. Regan, Administrator
Office of the Administrator, Mail Code 1101A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Correspondence Control Unit
Office of General Counsel, Mail Code 2311
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
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I also certify that I caused the listed documents to be served by certified mail on counsel for respondents at the address below:

Merrick Garland, U.S. Attorney General
Office of the U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dated: March 25, 2021

s/ Margaret T. Hsieh
Margaret T. Hsieh