

FOR PUBLICATION

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

IN RE PESTICIDE ACTION NETWORK
NORTH AMERICA AND NATURAL
RESOURCES DEFENSE COUNCIL, INC.,

No. 14-72794

PESTICIDE ACTION NETWORK NORTH
AMERICA and NATURAL RESOURCES
DEFENSE COUNCIL, INC.,

ORDER

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

Filed June 10, 2015

Before: Diarmuid F. O'Scannlain, A. Wallace Tashima,
and M. Margaret McKeown, Circuit Judges.

SUMMARY*

Writ of Mandamus

In response to a petition for a writ of mandamus filed by the Pesticide Action Network North America and Natural Resource Defense Council, the panel directed the United States Environmental Protection Agency (“EPA”) to file a status report with the Court no later than June 30, 2015 concerning EPA’s response to petitioners’ 2007 administrative petition requesting that EPA cancel registration for the pesticide chlorpyrifos and retained jurisdiction over the case.

COUNSEL

Patti A. Goldman (argued), Matthew Baca, and Kristen Boyles, Earthjustice, Seattle, Washington, for Petitioners.

Sam Hirsche, Acting Assistant Attorney General, and Erica Zilioli (argued), United States Department of Justice, Environmental Enforcement Section, Washington, D.C.; Mark Dyner, Office of General Counsel, United States Environmental Protection Agency, Washington, D.C., for Respondents.

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

ORDER

Pesticide Action Network North America and Natural Resources Defense Council (collectively “PANNA”) petition for a writ of mandamus directing the United States Environmental Protection Agency (EPA) to respond by July 1, 2015, to PANNA’s 2007 administrative petition requesting that EPA cancel registration for the pesticide chlorpyrifos. Based on the briefing in this case, events occurring since the initial filing of the mandamus petition, and representations made by counsel for EPA at oral argument, we order as follows:

EPA shall file a status report with the Court no later than June 30, 2015. In that status report, EPA shall state whether it intends to finalize the preliminary denial of PANNA’s administrative petition to cancel registration of chlorpyrifos. If EPA intends to deny the administrative petition, the final denial shall be issued no later than September 15, 2015. If, after considering, among other matters, the information contained in the public comments received as of April 30, 2015, EPA determines that it will grant the petition in whole or in part, EPA shall inform the Court of the date by which it intends to issue a final ruling to that effect. Further, EPA shall provide the Court with an explanation as to why it believes the proposed date is a reasonable, good faith timeline for final resolution of the petition.

PANNA may file a response to the status update no later than July 15, 2015. In that response, PANNA shall inform the Court of its views regarding the reasonableness of EPA’s timeline for finally resolving the petition and specifying what additional relief, if any, it believes is necessary and appropriate in light of the course of action EPA proposes.

The panel shall retain jurisdiction over any further proceedings related to this petition.