

**FOR PUBLICATION**

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

LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS; PESTICIDE  
ACTION NETWORK NORTH AMERICA;  
NATURAL RESOURCES DEFENSE  
COUNCIL; CALIFORNIA RURAL  
LEGAL ASSISTANCE FOUNDATION;  
FARMWORKERS ASSOCIATION OF  
FLORIDA; FARMWORKER JUSTICE  
GREENLATINOS; LABOR COUNCIL  
FOR LATIN AMERICAN  
ADVANCEMENT; LEARNING  
DISABILITIES ASSOCIATION OF  
AMERICA; NATIONAL HISPANIC  
MEDICAL ASSOCIATION; PINEROS Y  
CAMESINOS UNIDOS DEL NOROESTE;  
UNITED FARM WORKERS,

*Petitioners,*

STATE OF NEW YORK; STATE OF  
MARYLAND; STATE OF VERMONT;  
STATE OF WASHINGTON;  
COMMONWEALTH OF  
MASSACHUSETTS; DISTRICT OF  
COLUMBIA; STATE OF CALIFORNIA;  
STATE OF HAWAII,

*Intervenors,*

v.

No. 17-71636

ORDER

ANDREW WHEELER, Acting  
Administrator of United States  
Environmental Protection Agency;  
U.S. ENVIRONMENTAL PROTECTION  
AGENCY,

*Respondents.*

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Filed February 6, 2019

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## **ORDER**

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Berzon, Bybee and R. Nelson did not participate in the deliberations or vote in this case.