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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SIERRA CLUB and A COMMUNITY
VOICE-LOUISIANA,

Plaintiffs,

v.

SCOTT PRUITT, in his official capacity as
the Administrator of the United States
Environmental Protection Agency,

Defendant.

Case No. 4:17-cv-06293-JSW

~~PROPOSED~~ ORDER

Pursuant to stipulation and for good cause shown, the Court hereby orders:

1. The STAY of the Order dated February 16, 2018, Dkt 72, shall be lifted as of June 1, 2018.
2. In recognition of and to avoid the substantial disruption that would result from giving retroactive effect to the Order, this Order lifting the stay results in the designated date of manufacture (*i.e.*, the manufactured-by date) and corresponding compliance date being June 1, 2018, the date the stay is lifted, and not the December 12, 2017 manufactured-by date in the Initial Formaldehyde Rule, which has passed.
3. This accommodation ensures that the vacatur applies prospectively, provides fair notice to the affected industries, and avoids treating any composite wood products manufactured (in the United States) or imported (into the United States) between December 12, 2017 and June 1, 2018 as being noncompliant.
4. Consistent with the relief sought by Plaintiffs, the Court clarifies that the vacatur in the Order applies to the Formaldehyde Compliance Date Extension Rule's extension of the designated date of manufacturer (*i.e.*, the manufactured-by date)

- 1 and corresponding compliance date to December 12, 2018, as codified in 40
2 C.F.R. § 770.2(e) (introductory text), 40 C.F.R. § 770.2(e)(1), 40 C.F.R. §
3 770.2(e)(4), 40 C.F.R. § 770.10(a), 40 C.F.R. § 770.12(a), 40 C.F.R. § 770.15(a),
4 40 C.F.R. § 770.30(b) (introductory text), and 40 C.F.R. § 770.30(c), and does not
5 affect any other revision to 40 C.F.R. § 770 set forth in the Formaldehyde
6 Compliance Date Extension Rule, *i.e.*, 40 C.F.R. § 770.2(d), 40 C.F.R. §
7 770.2(e)(2)-(3), 40 C.F.R. § 770.3, 40 C.F.R. § 770.7(d)(1), 40 C.F.R. § 770.15(e)
8 and 40 C.F.R. § 770.30(d). *See Final Rule*, 82 Fed. Reg. at 44,536-37 (listing
9 relevant Code of Federal Regulations provisions).
- 10 5. Nothing in this Joint Proposed Stipulation shall be interpreted or construed to
11 conflict with, undo or disturb EPA's interpretation of 40 C.F.R. § 770.15(e), as
12 referenced above.
- 13 6. All parties to this Joint Proposed Stipulation reserve their right to seek an appeal
14 of any final order issued by the Court in this matter.

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16 **IT IS SO ORDERED.**

17 DATED this 13th day of March, 2018.

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21 JEFFREY S. WHITE
22 United States District Judge
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