

NO. _____

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PESTICIDE ACTION NETWORK NORTH AMERICA; UNITED FARM
WORKERS; and PINEROS Y CAMPESINOS UNIDOS DEL NOROESTE,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

PETITION FOR REVIEW

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1. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136 et seq., and Federal Rule of Appellate Procedure 15(a), Pesticide Action Network North America, United Farm Workers, and Pineros y Campesinos Unidos del Noroeste hereby petition the United States Court of Appeals for the Ninth Circuit for review of the final action of Respondents United States Environmental Protection Agency and Gina McCarthy, Administrator of the United States Environmental Protection Agency, entitled “EPA Response to ‘Pesticides in the Air—Kids at Risk: Petition to EPA to Protect Children from Pesticide Drift,’” issued March 31, 2014.

2. Under FIFRA’s jurisdictional provision, 7 U.S.C. § 136n(b), judicial review of orders issued by EPA following a hearing is in the court of appeals for the circuit wherein a party resides or has a place of business. In *United Farm Workers v. Adm’r, Env’tl. Prot. Agency*, 592 F.3d 1080 (9th Cir. 2010), the Court held that a public comment period is a “hearing” for the purposes of FIFRA jurisdiction under § 136n(b). *Id.* at 1082. In this case, EPA afforded an opportunity for public comment on the underlying petition. 74 Fed. Reg. 57168 (Nov. 4, 2009). Jurisdiction, therefore, lies in this Court.

Respectfully submitted this 29th day of May, 2014.

s/ Janette K. Brimmer

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*Attorneys for Petitioners Pesticide Action
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CORPORATE DISCLOSURE STATEMENT

Petitioners, Pesticide Action Network North America, United Farm Workers, and Pineros y Campesinos Unidos del Noroeste, have no parent companies, subsidiaries, or affiliates that have issued shares to the public in the United States or abroad.

Respectfully submitted this 29th day of May, 2014.

s/ Janette K. Brimmer

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CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the State of Washington.

I am over 18 years of age and not a party to this action. My business address is
705 Second Avenue, Suite 203, Seattle, Washington 98104.

On May 29, 2014, I served a true and correct copy of:

1. Petition for Review and Exhibits A and B.

on the following parties:

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Administrator
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- ☒ via overnight courier
- ☐ via first-class U.S. mail
- ☐ via e-mail
- ☐ via ECF filing system

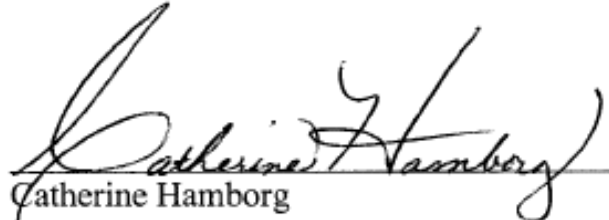
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I, Catherine Hamborg, declare under penalty of perjury that the foregoing is true and correct. Executed on this 29th day of May, 2014, at Seattle, Washington.



Catherine Hamborg