

WRF Wins Victory on Behalf of American Chemistry Council

March 7, 2005

Washington, DC—Wiley Rein & Fielding attorneys in the Chemicals, Safety & Environment Group won a significant victory in the U.S. Court of Appeals for the District of Columbia Circuit on behalf of the American Chemistry Council's Methyl Bromide Industry Panel, a consortium of all manufacturers who supply the pesticide methyl bromide to the U.S. market. The ruling allows continued production and imports and assures growers of strawberries, grapes and a number of other fruits and vegetables an adequate supply of this vital chemical for the 2005 season.

Methyl bromide is a highly effective pesticide that is subject to an international environmental treaty known as the Montreal Protocol. Under the treaty, production of methyl bromide is being phased-out on a world-wide basis, except for certain agricultural "critical uses." In late December 2004, the U.S. Environmental Protection Agency (EPA) promulgated new regulations to authorize these "critical uses." The environmental group Natural Resources Defense Council (NRDC) immediately filed suit to challenge the new regulations under the Clean Air Act. Shortly thereafter, the group moved to stay the effectiveness of the rule and halt all U.S. production and imports of methyl bromide. The panel intervened on the side of EPA to oppose the stay. The court denied NRDC's motion on March 1, 1005.

Tracy Heinzman has principal responsibility for this representation, and was assisted on the briefs by David B. Weinberg, Eric Andreas and Seth M. Wood.

Related Professionals

Tracy Heinzman
Partner
202.719.7106
theinzman@wiley.law

David B. Weinberg
Senior Counsel
202.719.7102
dweinberg@wiley.law

Practice Areas

Environment & Product Regulation
Environmental Regulation, Litigation, and
Counseling
Pesticides and FIFRA