

# Ninth Circuit Affirms Key Pesticide Ruling

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January 27, 2010

In a decision issued on January 26, a panel in the U.S. Court of Appeals for the Ninth Circuit, sitting in Seattle, affirmed a judgment obtained by Wiley Rein in May 2008, that dismissed a challenge to EPA's registration of the insecticide azinphos methyl. *United Farm Workers, et. al v. Administrator, EPA*, No. 08-35528. The case addressed a jurisdictional matter of first impression in the Circuit. A number of analogous district court cases in California have been stayed awaiting this appellate ruling and may be dismissed as a result.

At issue was whether challenges to EPA pesticide registration decisions must be brought in the district courts or the courts of appeals. Wiley Rein represented intervenors Bayer CropScience LP and Makhteshim Agan of North America, Inc. and filed a motion to dismiss in the district court on the grounds that jurisdiction for such a challenge exists only in the courts of appeals. The district court ruled in intervenors' favor, over the objection of both the plaintiffs and EPA.

David B. Weinberg, Chair of Wiley Rein's Environmental and Safety Practice, argued the case in August 2009. Also on the brief for intervenors were Wiley Rein partner Eric Andreas and associate David Markert.

## Related Professionals

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## Practice Areas

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Environment & Product Regulation  
Litigation  
Pesticides and FIFRA