Dicamba/Federal Insecticide, Fungicide, and Rodenticide Act: Center for Biological Diversity Federal Appellate Court Petition Challenging Reapproval



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The Center for Biological Diversity and three other organizations filed a February 20th Petition for Review ("Petition") in the United States Court of Appeals for the Ninth Circuit ("Court") requesting that an order of the United States Environmental Protection Agency ("EPA") issued under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") be set aside.

The other organizations joining the Petition include:

- National Family Farm Coalition.
- Center for Food Safety.
- Pesticide Action & Agroecology Network.

(Collectively, "CBD").

The Petition addresses what it describes as EPA's granting:

… unconditional new use registration for dicamba, as implemented through three new product labels.

The EPA order is described as authorizing "over-the-top spraying of the dicamba products on cotton and soybeans that have been genetically engineered to tolerate dicamba."

EPA signed and published the new use registration on February 6th under Docket No. EPA-HQ-OPP-2024-0154.

CBD alleges that EPA has violated its statutory duties under FIFRA and the Endangered Species Act in the new use registration order. Therefore, CBD requests pursuant to the Petition that the Court:

1. Declare that EPA violated FIFRA and the ESA;
2. Set aside, i.e., vacate, the new use registration; and
3. Grant any other relief as may be appropriate.

A copy of the Petition can be found here.