

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

DEC 5 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR PUBLICATION

CENTER FOR FOOD SAFETY; CENTER
FOR BIOLOGICAL DIVERSITY,

Petitioners,

v.

MICHAEL REGAN, in his official capacity
as Administrator; U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Respondents,

CORTEVA AGRISCIENCE LLC,

Respondent-Intervenor.

No. 19-72109

EPA No. 62719-625

Environmental Protection Agency

ORDER

POLLINATOR STEWARDSHIP
COUNCIL; et al.,

Petitioners,

v.

MICHAEL REGAN, in his official capacity
as Administrator; U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Respondents,

CORTEVA AGRISCIENCE LLC,

No. 19-72280

EPA Nos. 62719-625

62719-623

62719-631

Respondent-Intervenor.

Before: O'SCANNLAIN, MILLER, and LEE, Circuit Judges.

Judges O'Scannlain and Lee voted to deny the petition for panel rehearing. Judge Miller voted to grant the petition for panel rehearing. Judges Miller and Lee voted, and Judge O'Scannlain recommended, to deny the petition for rehearing en banc. The full court was advised of the petition for rehearing en banc. A judge of the court requested a vote on en banc rehearing. The matter failed to receive a majority of votes of non-recused active judges in favor of en banc consideration. *See* Fed. R. App. P. 35. The petitions for panel rehearing and for rehearing en banc, (19-72109 Dkt. No. 204; 19-72280 Dkt. No. 201), are DENIED. No further petitions for rehearing or rehearing en banc will be entertained.

Respondents' motions for clarification (19-72109 Dkt. No. 188; 19-72280 Dkt. No. 186) are DENIED.