

1
2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
56
7 CENTER FOR BIOLOGICAL DIVERSITY,

Case No. C 11-293 JCS

8 Plaintiff(s),

9 v.

**ORDER GRANTING IN PART,
DENYING IN PART MOTIONS TO
INTERVENE [Docket Nos. 16, 40, 53, 58]**10 ENVIRONMENTAL PROTECTION
11 AGENCY,12 Defendant(s).
13 _____/

14
15 On January 20, 2011, plaintiffs Center for Biological Diversity and others brought this
16 action against the United States Environmental Protection Agency (“EPA”) and others alleging that
17 the EPA has not properly consulted with the National Marine Fisheries Service or the Fish and
18 Wildlife Service (hereafter “the Services”) under Section 7(a)(2) of the Endangered Species Act
19 (“ESA”) in authorizing the use in the United States of over 300 chemicals as pesticides (including
20 herbicides, insecticides, fungicides and rodenticides). Plaintiffs allege that the thousands of products
21 that incorporate these chemicals present a substantial, under-evaluated risk to over 200 threatened
22 endangered species.

23 On June 3, 2011, motions to intervene filed by four proposed Intervenor Defendants and
24 other entities whom they represent, 1) Crop Life America, 2) American Farm Bureau Federation, 3)
25 American Chemistry Council and 4) Reckitt Benckiser (the “Motions”) came on for hearing.
26 Plaintiffs oppose the motions with respect to the liability phase of this litigation only; Plaintiffs do
27 not oppose the Motions as they relate to the remedial phase of the litigation. At oral argument,
28 counsel for proposed intervenors and Plaintiffs appeared. The federal Defendants appeared
telephonically.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Having considered the papers submitted, and for the reasons stated at the hearing, the proposed intervenors' motions are GRANTED IN PART AND DENIED IN PART as follows:

1) The motions to intervene filed by all proposed intervenors are GRANTED with respect to the remedial phase of this case;

2) The motions filed by Crop Life, Reckitt Benckiser and the of the American Chemistry Council (ACC) to the extent that it represents pesticide registrants, are DENIED WITHOUT PREJUDICE with respect to the liability phase of the case;

3) The motions to intervene in the liability phase filed by the American Farm Bureau (AFB) and the ACC to the extent that it represents members which are not pesticide registrants are DENIED;

4) The parties and all proposed intervenors shall attend a status conference on August 12, 2011 at 1:30 p.m. The parties shall file a status report two weeks before the conference. The report shall include a description of the status of negotiations and a plan for the remainder of the case.

IT IS SO ORDERED.

Dated: June 3, 2011



JOSEPH C. SPERO
United States Magistrate Judge