

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
AMERICAN SOYBEAN ASSOCIATION	)	
	)	
and	)	
	)	
PLAINS COTTON GROWERS, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:20-cv-03190 (RCL)
	)	
MICHAEL S. REGAN, et al.,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
SYNGENTA CROP PROTECTION, LLC, et al.,	)	
	)	
Intervenor-Defendants.	)	
_____	)	

**ANSWER OF INTERVENOR-DEFENDANT SYNGENTA CROP PROTECTION, LLC  
TO AMENDED COMPLAINT**

Intervenor-Defendant Syngenta Crop Protection, LLC (“Syngenta”) files this Answer to Plaintiffs’ Amended Complaint for Declaratory and Injunctive Relief, filed April 27, 2021, ECF No. 50, pursuant to Federal Rule of Civil Procedure 12 and this Court’s Order of April 28, 2021, ECF No. 51. Any allegations not specifically admitted below are denied. Answering the numbered paragraphs of the Amended Complaint, Syngenta admits, denies, and avers as follows:

**INTRODUCTION**

1. Paragraph 1 contains Plaintiffs’ characterization of this lawsuit, to which no response is required.
2. Syngenta admits the allegations in Paragraph 2.

3. Syngenta admits the allegations in Paragraph 3.

4. Upon information and belief, Syngenta admits the allegations in Paragraph 4.

5. Syngenta admits the allegations in the first sentence of Paragraph 5. The second sentence of Paragraph 5 characterizes EPA's decision to register dicamba for use on dicamba-tolerant soybeans and cotton, which speaks for itself and is the best evidence of its content.

6. Syngenta admits that EPA's registration of its dicamba product, Tavium, provided growers with an essential weed-management tool. Syngenta lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6.

7. Paragraph 7 characterizes certain aspects of EPA's registration decisions concerning dicamba, which speak for themselves and are the best evidence of their content.

8. Paragraph 8 contains Plaintiffs' characterization of this action, to which no response is required.

### **PARTIES**

9. Upon information and belief, Syngenta admits the allegations in Paragraph 9.

10. Upon information and belief, Syngenta admits the allegations in the first sentence of Paragraph 10. Syngenta lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 10.

11. Syngenta lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

12. Upon information and belief, Syngenta admits the allegations in the first sentence of Paragraph 12. Syngenta lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 12.

13. Syngenta admits that the EPA Administrator is the federal official responsible for pesticide registrations, including the decisions challenged here, and that Michael S. Regan was the EPA Administrator at the time the Amended Complaint was filed and is sued in his official capacity.

14. Syngenta admits that Defendant Marietta Echeverria was Acting Division Director of the EPA's Office of Pesticide Programs, Registration Division at the time the Amended Complaint was filed, in which position she approved and administered FIFRA registrations and reported to the EPA Administrator. Upon information and belief, Syngenta admits the remaining allegations in Paragraph 14.

15. Syngenta admits the allegations in the first sentence of Paragraph 15. The remainder of Paragraph 15 states conclusions of law, to which no response is required.

#### **JURISDICTION AND VENUE**

16. Admitted.

17. Paragraph 17 states conclusions of law, to which no response is required.

18. Admitted.

19. Syngenta admits that relevant events giving rise to Plaintiffs' claims occurred in this District. The remainder of Paragraph 19 states conclusions of law, to which no response is required.

#### **STATUTORY AND REGULATORY FRAMEWORK**

##### **A. The Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA")**

20. The first sentence of Paragraph 20 characterizes FIFRA, which speaks for itself and is the best evidence of its content. The second sentence of Paragraph 20 characterizes a

Congressional Research Service report concerning pesticides, which speaks for itself and is the best evidence of its content.

21. Paragraph 21 quotes from and characterizes FIFRA, which speaks for itself and is the best evidence of its content.

22. Paragraph 22 quotes from and characterizes FIFRA, which speaks for itself and is the best evidence of its content.

23. Paragraph 23 characterizes FIFRA, which speaks for itself and is the best evidence of its content.

24. Paragraph 24 characterizes FIFRA, which speaks for itself and is the best evidence of its content.

**B. The Endangered Species Act (the “ESA”)**

25. Paragraph 25 quotes from and characterizes the ESA, which speaks for itself and is the best evidence of its content.

26. Paragraph 26 quotes from and characterizes the ESA, which speaks for itself and is the best evidence of its content.

27. Paragraph 27 quotes from and characterizes the ESA, which speaks for itself and is the best evidence of its content.

28. Paragraph 28 quotes from and characterizes the ESA, which speaks for itself and is the best evidence of its content.

29. Paragraph 29 quotes from and characterizes the ESA, which speaks for itself and is the best evidence of its content.

30. Paragraph 30 quotes from and characterizes the ESA, which speaks for itself and is the best evidence of its content.

31. Paragraph 31 quotes from and characterizes case law and the ESA, which speak for themselves and are the best evidence of their content.

32. Paragraph 32 quotes from and characterizes case law and the ESA, which speak for themselves and are the best evidence of their content.

**C. The Administrative Procedure Act**

33. Paragraph 33 quotes from and characterizes the APA, which speaks for itself and is the best evidence of its content.

34. Paragraph 34 quotes from and characterizes the APA, which speaks for itself and is the best evidence of its content.

35. Paragraph 35 quotes from and characterizes the APA, which speaks for itself and is the best evidence of its content.

36. Paragraph 36 quotes from and characterizes case law and the APA, which speak for themselves and are the best evidence of their content.

**FACTUAL BACKGROUND**

37. Paragraph 37 contains Plaintiffs' characterization of the lawsuit, to which no response is required. Paragraph 37 also characterizes and summarizes EPA's Memorandum Supporting Decision to Approve Registration for the Uses of Dicamba on Dicamba Tolerance Cotton and Soybean (the "Dicamba Memorandum"), which speaks for itself and is the best evidence of its content.

38. Paragraph 38 characterizes and summarizes the Dicamba Memorandum and supporting EPA analyses (referred to collectively as "the Dicamba Decision"), which speak for themselves and are the best evidence of their content.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.