

No 20-1376

**In the United States Court of Appeals
for the D.C. Circuit**

HEMP INDUSTRIES ASSOCIATION and RE BOTANICALS, INC.

Petitioners,

v.

UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, and
ANNE MILGRAM, in her official capacity as Administrator of the United
States Drug Enforcement Administration,

Respondents.

PETITIONERS' OPENING BRIEF

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Botanicals, Inc.***

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rule 28(a)(1), Petitioners Hemp Industries Association and RE Botanicals, Inc. certify the following:

A. Parties, Intervenors, and Amici

1. Petitioners are Hemp Industries Association and RE Botanicals, Inc.
2. Respondents are:
 - The United States Drug Enforcement Administration (“DEA”)
 - Anne Milgram, in her official capacity as Administrator of DEA.
3. Counsel does not anticipate any party seeking leave to intervene or to participate as amicus curiae in this case.

B. Rulings Under Review

DEA’s August 21, 2020, Interim Final Rule entitled “Implementation of the Agriculture Improvement Act of 2018,” appears in the Federal Register at 85 Fed. Reg. 51639 (Aug. 21, 2020), and is reprinted in the Joint Appendix (“JA”) at JA001-007.

C. Related Cases

The petition for review now pending before this Court was not previously before this Court or any other court. Petitioners filed a related district court action, which Judge Boasberg dismissed on May 3, 2021. See *Hemp Indus. Ass’n v. United States Drug Enft Admin.*, 2021 WL 1734920

(D.D.C. May 3, 2021). Petitioners in this case filed a notice of appeal of that ruling on May 21, 2021. The appeal was docketed as Case No. 21-5111 in this Court on May 21, 2021.

September 28, 2021

Respectfully submitted,

/s/Shane Pennington
Shane Pennington

RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Petitioner Hemp Industries Association states that it is a non-profit trade group that represents hemp companies and researchers in the United States and Canada. It does not have any parent companies, subsidiaries, or affiliates that have issued shares to the public.

Petitioner RE Botanicals, Inc. states that it is a privately held company and does not have any parent companies, subsidiaries, or affiliates that have issued shares to the public.

September 28, 2021

Respectfully submitted,

/s/ Shane Pennington
Shane Pennington

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