

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 6 2019

FOR THE NINTH CIRCUIT

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

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS; PESTICIDE
ACTION NETWORK NORTH AMERICA;
NATURAL RESOURCES DEFENSE
COUNCIL; CALIFORNIA RURAL
LEGAL ASSISTANCE FOUNDATION;
FARMWORKERS ASSOCIATION OF
FLORIDA; FARMWORKER JUSTICE
GREENLATINOS; LABOR COUNCIL
FOR LATIN AMERICAN
ADVANCEMENT; LEARNING
DISABILITIES ASSOCIATION OF
AMERICA; NATIONAL HISPANIC
MEDICAL ASSOCIATION; PINEROS Y
CAMPEÑINOS UNIDOS DEL
NOROESTE; UNITED FARM WORKERS,

Petitioners,

STATE OF NEW YORK; STATE OF
MARYLAND; STATE OF VERMONT;
STATE OF WASHINGTON;
COMMONWEALTH OF
MASSACHUSETTS; DISTRICT OF
COLUMBIA; STATE OF CALIFORNIA;
STATE OF HAWAII,

Intervenors,

v.

No. 17-71636

ORDER

ANDREW WHEELER, Acting
Administrator of United States
Environmental Protection Agency; U.S.
ENVIRONMENTAL PROTECTION
AGENCY,

Respondents.

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Berzon, Bybee and R. Nelson did not participate in the deliberations or vote in this case.