Opinion and Mandate Issued on June 3rd, 2020

No. 19-70115

Before: Michael Daly Hawkins, M. Margaret McKeown, and William A. Fletcher, Circuit Judges

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL FAMILY FARM COALITION, *et al.*,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, *et al.*,

Respondents,

and

MONSANTO COMPANY,

Intervenor-Respondent.

ON PETITION FOR REVIEW FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PETITIONERS' OPPOSITION TO PROPOSED-INTERVENORS' EMERGENCY MOTIONS TO INTERVENE

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INTRODUCTION

More than one year and five months after Petitioners filed the present expedited litigation, BASF Corporation (BASF) and E.I. du Pont de Nemours and Company (Corteva) (collectively, Proposed Intervenors) now seek intervention. *See* ECF 1-6 (Petition for Review filed Jan. 11, 2019). Proposed Intervenors slept on their rights to intervene, even though they had every reason to know that this Court's adjudication of EPA's 2018 registration decision could affect the registration basis for their pesticide products.

Even after the Court issued its Order rejecting EPA's argument that the case was limited to just XtendiMax and vacating all three pesticide use approvals, Proposed Intervenors waited yet another nine days; they only leaped into action after Petitioners returned to this Court seeking enforcement of its Order against EPA's brazen attempt to keep Proposed Intervenors' products in use. ECF 127-3.

Proposed Intervenors are far too late. Huffing and puffing aside, Proposed Intervenors have failed to identify a single interest that is not adequately represented by EPA (or Intervenor Monsanto) at this juncture, when the only question before this Court narrowly concerns

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