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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION**

MAKHTESHIM AGAN OF NORTH )  
AMERICA, INC., FMC )  
CORPORATION, DOW )  
AGROPLAINTIFFS, )

*Plaintiffs,* )

v. )

NATIONAL MARINE FISHERIES )  
SERVICE and DONNA S. WIETING, in )  
her official capacity as Director of the )  
Office of Protected Resources of the )  
National Marine Fisheries Service, )

*Defendants.* )

CASE NO. 8:18-cv-00961-PWG

**NOTICE OF FILING**

Defendants, the National Marine Fisheries Service (“NMFS”) and Donna Wieting, in her official capacity as Director of the NMFS Office of Protected Resources, provide notice that on April, 20, 2020, Ms. Wieting sent the letter attached as Exhibit A to Richard P. Keigwin, Jr.,

Director of the Environmental Protection Agency's ("EPA") Office of Pesticides Program, indicating NMFS's determination that it will issue a revised biological opinion for chlorpyrifos, diazinon, and malathion pursuant to the Endangered Species Act by June 2022. *See* Dkt. 91 at 2 (item 3 of the schedule governing the reinitiated chlorpyrifos, diazinon, and malathion consultation). Defendants will file their next status report on May 31, 2020.

Respectfully submitted,

JEAN E. WILLIAMS  
Deputy Assistant Attorney General  
Environment and Natural Resources Division

*/s/ J. Brett Grosko*

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

*/s/ J. Brett Grosko*

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J. Brett Grosko



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910

April 20, 2020

Mr. Richard P. Keigwin, Jr.  
Director, Office of Pesticides Program  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (7501P)  
Washington, D.C. 20460

Dear Mr. Keigwin:

This letter relates to my July 23, 2019, correspondence to you in which we responded to the Environmental Protection Agency's (EPA) July 19, 2019, request to reinstate consultation under section 7 of the Endangered Species Act (ESA) on the EPA's registration of pesticides containing the active ingredients chlorpyrifos, diazinon, and malathion. That letter indicated that, with respect to EPA's request for reinstatement, the National Marine Fisheries Service (NMFS) would carefully consider the information that the EPA provided us regarding our December 29, 2017, biological opinion on EPA's registration for these chemicals, including public comments submitted to EPA in 2018. In addition, we also indicated we would consider additional information submitted by pesticide registrants submitted to EPA and NMFS beginning in November 2019.

NMFS presently is under mandatory court-ordered deadlines to complete biological opinions on metolachlor and 1,3-dichloropropene (by December 31, 2020) and bromoxynil and prometryn (by October 31, 2021). Based on our review of the information EPA provided to NMFS on the December 29, 2017 biological opinion and the need to meet the 2020 and 2021 court-ordered deadlines, we will issue a revised biological opinion for chlorpyrifos, diazinon, and malathion by June 2022.

NMFS looks forward to continuing to work with you on these matters. If you have any questions, please call Ms. Cathy Tortorici, Chief, Endangered Species Act Interagency Cooperation Division at 301.427.8495 or by e-mail at [cathy.tortorici@noaa.gov](mailto:cathy.tortorici@noaa.gov).

Sincerely,

Donna S. Wieting, Director  
Office of Protected Resources

