

## Court clears way for lawsuit against EPA over exemptions for neonicotinoid seed treatments

A motion by the . . .EPA asking for the immediate dismissal of a case that alleges the EPA erroneously applied regulatory exemptions to seeds coated with neonicotinoid pesticides has been denied by the U.S. District Court for the Northern District of California.

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. . . [The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)] allows the EPA to exempt . . . so-called “treated articles,” when the articles in question are treated with pesticides that have already been registered. . . .

The agency in 2013 issued a Guidance for Inspecting Alleged Cases of Pesticide Related Bee Incidents, which stipulated a “[t]reated seed (and any resulting dust-off from a treated seed) may be exempted from registration under FIFRA as a treated article. . . .”

. . . [The] lawsuit contends the 2013 guidance was more than an informal procedural suggestion. . . and actually constituted a final agency action reviewable under the Administrative Procedure Act.

. . . .

The EPA moved to dismiss the case for the lack of subject-matter jurisdiction, saying that the 2013 guidance did not constitute final agency action and is therefore unreviewable under the APA.

**The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion and analysis. Read full, original post: [District court rejects dismissal of ‘coated seeds’ pesticide case against EPA](#)**