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Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON TOXICS COALITION, )  
et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
ENVIRONMENTAL PROTECTION )  
AGENCY, et al., )  
 )  
Defendants, )  
 )  
and )  
 )  
CROPLIFE AMERICA, et al., )  
 )  
Intervenor-Defendants. )

NO. C01-0132 C  
INTERVENOR-DEFENDANTS'  
STATUS REPORT

As directed by the Court, Intervenor-Defendants CropLife America, California Plant Health Association, Oregon Agricultural Chemicals & Fertilizers Association, Agricultural Retailers Association, Far West Agribusiness Association, Agricultural Cooperative Council of Oregon, Fruit Growers League of Jackson County,<sup>1</sup> Hood River Grower-Shipper Association,

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<sup>1</sup> Through an inadvertent error that only recently came to light, Intervenor-Defendant Fruit Growers League of Jackson County has been mistakenly identified in this litigation as the "Fruit Growers League of Southern Oregon." Intervenor-Defendants hereby provide notice of the error and ask the Clerk to correct the record accordingly.

1 Hop Growers of Washington, Idaho Mint Growers Association, Malheur County Onion  
2 Grower's Association, National Potato Council, Orchard View Farms, Oregon Alfalfa Seed  
3 Growers Association, Oregon Cranberry Farmers' Alliance, Oregon Farm Bureau Federation,  
4 Oregon Hop Growers Association, Oregon Horticultural Society, Oregon Seed Council, USA  
5 Dry Pea and Lentil Council, Wasco County Fruit & Produce League, Washington Association of  
6 Wheat Growers, Washington Mint Growers Association, Washington State Horticultural  
7 Association, Western Washington Agricultural Association, Oregon Cattlemen's Association,  
8 Oregon Dairy Farmers Association, American Forest Resource Council, Oregon Forest  
9 Industries Council, Washington Friends of Farms and Forests, Oregonians for Food and Shelter,  
10 Western Washington Golf Course Superintendents Association, National Agricultural Aviation  
11 Association, and California Agricultural Aircraft Association ("CropLife America, et al.") and  
12 Washington State Potato Commission hereby provide this status report to describe the steps they  
13 have taken to comply with the Court's Order dated January 22, 2004.

14 That Order imposed two obligations on Intervenor-Defendants: first, "[w]ithin 60 days of  
15 the effective date of this Order, Intervenor-Defendants will distribute the point of sale notification  
16 developed by EPA in quantity, for point of sale distribution, to sales outlets where lawn and  
17 garden products are sold in the Urban Areas subject to this Order"; and second, "Intervenor-  
18 Defendants are DIRECTED to ensure that their members are made aware of: (1) this Court's  
19 Orders dated July 2, 2002; July 16, 2003; and August 8, 2003; and (2) of this injunction. Order  
20 (Jan. 22, 2004) at 11, 12.

21 **Distribution of EPA's Point of Sale Notification.** Intervenor-Defendants have  
22 obtained the point of sale notification developed by EPA and will distribute it in quantity by mail,  
23 along with a cover letter identifying the notification and the January 22, 2004 Court Order, to  
24 sales outlets where lawn and garden products are sold in the Urban Areas identified in Exhibit 3  
25 of the January 22, 2004 Order within 60 days of the Order's effective date of February 5, 2004.  
26 Intervenor-Defendants plan to mail out this information April 2, 2004. Intervenor-Defendants

1 have hired a private mailing company, Moore Wallace, a division of RR Donnelley, to print and  
2 distribute notifications to sales outlets where lawn and garden products are sold in the Urban  
3 Areas identified in Exhibit 3. Additionally, on April 2, 2004, Intervenor-Defendants will place an  
4 electronic notice on the website, [www.pestfacts.org](http://www.pestfacts.org), at the request of EPA. This electronic  
5 notice will contain a link to EPA's information, the January 22, 2004 Court Order, Cover letter,  
6 and the EPA point of sale notification.

7 **Notification of Court's Orders and Injunctions.** The public received notice of this  
8 Court's Orders dated July 2, 2002, July 16, 2003, and August 8, 2003, and of the Court's  
9 January 22, 2004 injunction through EPA's notice published at 69 Fed. Reg. 7478-80 (Feb. 17,  
10 2004), which includes links to complete copies of the Court's orders and injunction. As a further  
11 step to ensure that their members received notice, Intervenor-Defendants CropLife America, et  
12 al., and Washington State Potato Commission have been advised of the Court's directive that  
13 they notify their members of this Court's Orders dated July 2, 2002, July 16, 2003, and August  
14 8, 2003, and of the January 22, 2004 injunction, and have provided written assurances that they  
15 have done so.

16  
17 DATED this 22nd day of March, 2004.

18  
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