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Date: December 21, 2023

To Our Valued Distributors, Industry Trade Associations, and Growers

Subject: 9th Circuit Court Streptomycin Decision Affecting Sale, Distribution & Use of FireWall™ 50 WP

On December 13, 2023, the U.S. Court of Appeals for the Ninth Circuit issued its opinion in the case of *Migrant Clinicians Network vs. U.S. Environmental Protection Agency*. Petitioners in the case sought judicial review of EPA’s January 2021 approval of an amendment to add citrus crop group 10-10 to the existing label for FireWall™ 50 WP. The Court’s ruling vacated (i.e., invalidated) the amended registration that added control of HLB and canker in citrus crops to the previously approved label for FireWall™ 50 WP due to the failure of EPA to conduct an endangered species review. **The court’s decision does not invalidate the use of FireWall™ 50 WP on crops other than citrus.**

EPA has yet to issue an order dictating the conditions and timelines under which existing stocks of the affected product may be sold, distributed, and used by growers. Although the court’s decision does not cancel the registration of FireWall™ 50 WP for use on crops other than citrus, it does impact ALL distributors and growers using FireWall™ 50 WP because all product now in the channels of trade has a label including citrus use. Therefore, all existing distributor inventories of FireWall™ 50 WP could require relabeling on a timeline yet to be determined. AgroSource complied fully with all EPA requirements to amend the FireWall™ 50 WP label adding citrus. AgroSource will work diligently and expeditiously with each of our distributor partners to accomplish any relabeling once EPA issues its order relating to existing stocks.

The court’s decision applies to all distributors of, and all growers using, FireWall™ 50 WP. The Table below summarizes the possible effects for each Category affected.

Category	Determination
All DISTRIBUTORS of FireWall™ 50 WP for use on CITRUS	In the event EPA restricts sale of existing stocks of FireWall™ 50 WP, AgroSource will manage it with our distributors
All CITRUS GROWERS using FireWall™ 50 WP	Historically, EPA permits growers to use their existing inventory of products for which a court has canceled or vacated the registrations, but there is no assurance that EPA will reach the same conclusion for FireWall™ 50 WP with citrus labeling.
ALL DISTRIBUTORS and GROWERS using FireWall™ 50 WP for NON-CITRUS crops	The court’s decision does not cancel the registration for use of FireWall™ 50 WP on crops other than citrus. Specific details on how product in the channels of trade is impacted will not be available until EPA releases their order.

The foregoing is AgroSource's evaluation of the facts, not legal advice or recommendations, and we encourage you to review the relevant materials and evaluate the decision’s impacts on your operations.

AgroSource will work cooperatively with the citrus industry to reinstate FireWall™ 50 WP as an essential tool in the fight against citrus canker, HLB, and bactericide resistance management, to assist Florida citrus growers in their ongoing war against these serious invasive citrus diseases.