

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Pesticide Action Network North America v. Williams

No. 24-cv-06324-JSC (N.D. Cal. July 11, 2025) · No. 24-cv-06324-JSC · Decided July 11, 2025

SUMMARY

The United States District Court for the Northern District of California denied Plaintiffs’ motion to admit extra-record evidence in their challenge to a 2022 U.S. Fish and Wildlife Service biological opinion concerning malathion. The court found some exhibits were already part of the administrative record, while others did not satisfy the narrow exceptions for extra-record evidence or were barred as post-decisional materials. The denial was without prejudice as to certain exhibits that may be relevant during a later remedy phase, and the court limited possible consideration of the Clauser declaration to standing.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 11, 2025
DOCKET	24-cv-06324-JSC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs challenging a 2022 U.S. Fish and Wildlife Service biological opinion moved under the Administrative Procedure Act litigation to admit extra-record evidence in connection with their anticipated summary-judgment motion. The district court denied the motion, in part as moot and in part without prejudice as to evidence potentially relevant to a later remedy phase.
STANDARD OF REVIEW	Under the APA, review of an agency decision is based on the administrative record and the agency's decision is reviewed under 5 U.S.C. § 706. Extra-record evidence is admissible only under narrowly construed exceptions, including where necessary to determine whether the agency considered all relevant factors and explained its decision, the agency relied on documents outside the record, supplementation is needed to explain technical or complex subject matter, or plaintiffs show agency bad faith.

PRECEDENTIAL VALUE	Unknown
PARTIES	Pesticide Action Network North America, Center for Biological Diversity, Center for Food Safety v. Paul Souza, U.S. Fish and Wildlife Service, CropLife America

TOPICS

judicial review of agency action

administrative procedure act

administrative law

evidence

remedies

PRACTICE AREAS

administrative law

environmental law

civil procedure

evidence

remedies

QUESTIONS PRESENTED

1. Whether documents already incorporated into or included in the administrative record could be admitted as extra-record evidence.
2. Whether disputed documents concerning pesticide exposure and usage data satisfied the relevant-factors exception to the administrative-record rule.
3. Whether post-decisional documents could be admitted as extra-record evidence on the merits or instead reserved for possible consideration during a remedy phase.
4. Whether portions of the Hartl declaration and the Clauser declaration could be considered for merits purposes or only for standing or other non-merits purposes.

HOLDINGS

1. Judicial review of the biological opinion is generally limited to the administrative record, and extra-record evidence may be admitted only under narrow, narrowly construed exceptions.
2. Exhibit 6 could not be admitted because the biological opinion already considered the relevant whooping-crane pesticide-exposure information, and plaintiffs sought to use the exhibit to challenge the agency's scientific conclusions.
3. Exhibits 2 and 5 could not be admitted as extra-record evidence under the relevant-factors exception.
4. Exhibits 7 and 15 were denied without prejudice to later admission during a remedy phase, and portions of the Hartl declaration and the Clauser declaration could be considered only for non-merits purposes identified by the court, including remedy or standing.

KEY QUOTATIONS

“The Court DENIES Plaintiffs’ motion.” (at 1)

“A district court may permit admission of extra-record evidence:” (at 2)

“The four exceptions—which “operate to identify and plug holes in the administrative record”—are “narrowly construed and applied.”” (at 2)

“The question is whether the agency “has explained its decision” about the threat of pesticide contamination to whooping cranes—and as the excerpt above illustrates, it has.” (at 8)

“The Court therefore disregards the Clauser declaration for any purpose other than as an illustrative exhibit to assess standing.” (at 11)

FACTUAL BACKGROUND

Plaintiffs challenge a 2022 biological opinion issued by the U.S. Fish and Wildlife Service regarding malathion, a pesticide active ingredient. They sought to introduce documents concerning pesticide exposure, malathion usage data, later-issued biological and species-review materials, and declarations relating to the agency's analysis and plaintiffs' standing. Several documents were already part of the administrative record, while others were post-decisional or offered to challenge the agency's scientific conclusions.

PROCEDURAL HISTORY

Plaintiffs filed an APA challenge to a 2022 biological opinion concerning malathion. While their summary-judgment motion was pending and scheduled for argument in January 2026, plaintiffs moved to supplement the administrative record with 19 documents and portions of a declaration. Federal defendants and intervenor CropLife America opposed admission of certain materials. After oral argument on July 10, 2025, the court denied the motion and disposed of Docket No. 59.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiffs may move to admit Exhibits 7 and 15, and other remedy-related documents, if the court reaches the remedy phase after determining that the biological opinion is arbitrary or capricious.

CASES CITED

- *Bennett v. Spear*, 520 U.S. 154, 177 (1997)
- *Fla. Power & Light Co. v. Lorion*, 470 U.S. 729, 743-44 (1985)
- *Lands Council v. Powell*, 395 F.3d 1019, 1029-30 (9th Cir. 2005)
- *San Luis & Delta-Mendota Water Auth. v. Locke*, 776 F.3d 971, 992-93 (9th Cir. 2014)
- *Pinnacle Armor, Inc. v. United States*, 923 F. Supp. 2d 1226, 1234 (E.D. Cal. 2013)
- *Cachil Dehe Band of Wintun Indians of Colusa Indian Cmty. v. Zinke*, 889 F.3d 584, 600 (9th Cir. 2018)
- *Tri-Valley CAREs v. U.S. Department of Energy*, 671 F.3d 1113, 1131 (9th Cir. 2012)

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