

JOHN C. CRUDEN  
Acting Assistant Attorney General  
Environment & Natural Resources Division

ROCHELLE L. RUSSELL (CA Bar No. 244992)  
Trial Attorney  
U.S. Department of Justice  
Environment & Natural Resources Division  
301 Howard Street, Suite 1050  
San Francisco, CA 94105  
Tel: (415) 744-6485  
Fax: (415) 744-6476  
Email: rochelle.russell@usdoj.gov  
*Attorney for Defendants*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

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NORTH COAST RIVERS ALLIANCE, a  
non-profit, unincorporated association, et al.,

Plaintiffs,

v.

LISA P. JACKSON, Administrator,  
United States Environmental Protection  
Agency, and the UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY,

Defendants.

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) Case No. 08-cv-05328 SBA

) **DECLARATION OF DENNIS L.  
) GORRES, Jr. IN SUPPORT OF  
) DEFENDANTS' ADMINISTRATIVE  
) MOTION TO FILE UNDER SEAL  
) LIMITED PORTIONS OF THE  
) ANSWER**

Declaration of DENNIS L. GORRES, Jr., in Support of  
Defendants= Administrative Motion to File  
Under Seal Limited Portions of the Answer

Case No. 08-cv-05328 SBA

**DECLARATION OF DENNIS L. GORRES, Jr.**

I, Dennis L. Gorres, Jr., declare as follows:

1. I am employed as Staff Chief of the Enterprise Planning and Policy Oversight Staff in the Information Technology And Resource Management Division of the Office Of Pesticide Programs of the United States Environmental Protection Agency ("EPA") in Washington, D.C.

2. As Staff Chief of the Enterprise Planning and Policy Oversight Staff, my responsibilities generally include administering the appropriate procedures for granting access to Confidential Business information to EPA employees.

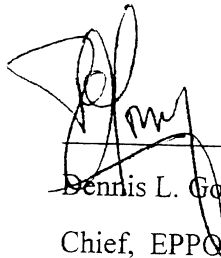
3. I have read the Plaintiffs' Complaint in the above-captioned matter, including the allegations in paragraphs 45, 46, 47, 50, and 59 that pertain to the alleged existence and identity of inert ingredients in CheckMate LBAM-F ("LBAM-F") and CheckMate OLR-F ("OLR-F").

4. Section 10 of FIFRA, 7 U.S.C. §136h, and EPA's regulations at 40 C.F.R. part 2, subpart B, require that information claimed as confidential be protected from public disclosure unless and until the information is determined eligible for public disclosure pursuant to these regulations and all applicable regulatory procedures at 40 C.F.R. part 2, subpart B have been followed. Eligibility for confidential treatment is governed by Section 10 of FIFRA.

5. Suterra, LLC, the manufacturer of LBAM-F and OLR-F, has specifically asserted a claim of confidentiality over the identity of the inert ingredients contained in those pesticides, as well as other information, as protected trade secrets and confidential business information.

6. EPA routinely protects the identities of most inert/other ingredients in pesticide products. However, in September 2007, an EPA employee inadvertently provided to the *Santa Cruz Sentinel* certain information, erroneous in part, concerning the ingredients in OLR-F, which the paper published on September 28, 2007. Because Suterra maintains that the identities of the inert/other ingredients of LBAM-F and OLR-F remain subject to a claim of confidentiality, EPA continues to treat this information as confidential business information.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.



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Dennis L. Gorres, Jr.  
Chief, EPPOS

Office of Pesticides Programs (7502P)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460