

# Pesticide & Chemical Regulation

ZAG/Sullivan's Pesticides Law practice advises U.S. and global pesticide companies on state and federal regulatory, transactional, litigation and enforcement matters. We represent clients across the entire breadth of the pesticide arena, including agricultural chemicals, structural and residential pesticides and biocides. Our clients include pesticides manufacturers, importers, distributors and applicators.

## DATA COMPENSATION

Our attorneys are experienced in representing pesticide companies in data compensation negotiations and arbitrations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

We work with experts to provide analyses of the amount of data compensation a new entrant may expect to pay to data owners, and negotiate the terms of data compensation agreements. We focus on settlement, not litigation. When agreement on compensation cannot be reached, we represent companies in FIFRA arbitration proceedings before the American Arbitration Association (AAA). We have negotiated settlements in dozens of cases and have successfully represented companies in arbitrations before the AAA against both individual companies and data task forces.

Our representation is vigorous, strategic and detail-oriented, yet cost efficient. We protect our clients' interests, while seeking the certainty of a settlement. Our creativity and staunch advocacy, combined with our understanding of the business context in which data compensation disputes occur, set us apart from our competitors.

## ENTRY INTO THE U.S. MARKET

We also assist companies seeking to enter the U.S. crop-protection market. Most pesticides are produced outside

of and imported into the United States. By providing competition in the marketplace, our generic producer clients help distributors and farmers obtain high quality products at a competitive price to produce and protect the foods that Americans consume and export.

We have counseled companies based throughout the world regarding the importation and sale of pesticides in the U.S., and we have worked with many companies from their nascent interest in the U.S. market through successful entry, overcoming difficult barriers to entry imposed by the dominant economic interests. We represented the first Indian company and the first South Korean company to enter the U.S. market by obtaining registrations for technical-grade generic pesticides.

## ENFORCEMENT DEFENSE

We are experienced in representing pesticide registrants and other market participants in state and federal enforcement actions. We have defended clients whose products have been alleged to lack registration or to be misbranded or adulterated, and have secured beneficial settlements in cases where enforcement authorities have sought significant penalties.

## Representative Client Work

- Represented generic agricultural chemical companies entering the U.S. market (including the first Indian and Korean companies to be awarded a technical registration by the U.S. EPA), involving data compensation, business strategy, and product defense.
- Represented numerous clients in multi-million dollar negotiations and arbitrations addressing the compensation due for reliance upon pesticide data previously filed with EPA.

**For further information about our Pesticide & Chemical Regulation practice, please visit our website at [www.zag-sw.com](http://www.zag-sw.com) or contact:**