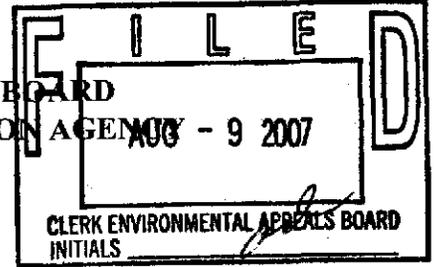


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - 9 2007  
WASHINGTON, D.C.



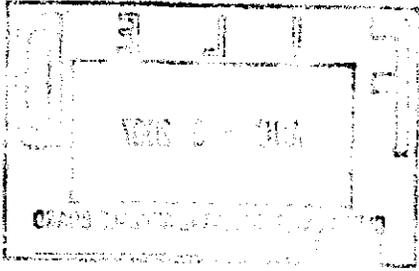
In re: )  
)  
)  
Rizing Sun, L.L.C. )  
)  
Docket No. FIFRA 9-2004-0024 )  
\_\_\_\_\_ )

FIFRA Appeal No. 07-02

**ORDER GRANTING PERMISSION  
TO FILE BRIEF AS AMICUS CURIAE**

In a request filed with the Environmental Appeals Board (“EAB” or “Board”) on August 7, 2007, Keller and Heckman LLP (“Keller and Heckman”) seeks permission to file a brief as *amicus curiae* in the above-captioned matter. Letter from Telisport W. Putsavage, Keller and Heckman LLP, to Eurika Durr, Clerk of the Environmental Appeals Board (August 7, 2007) (“Letter”). In that appeal, U.S. EPA Region 9 raised a singular issue, “whether EPA can assess separate civil penalties for violations of FIFRA section 12(a)(1)(A) and 12(a)(1)(E) arising from the distribution or sale of the same pesticide in the same transaction.” Region’s Brief at 1. Rizing Sun, L.L.C. (“Rizing Sun”), which was *pro se* in the proceeding before the Administrative Law Judge, has not filed a response to the Region’s brief.

Keller and Heckman states that it maintains a “significant, well recognized national practice” in the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”) and represents clients that “are significant registrants and producers in every segment of the FIFRA regulated



community.” Letter at 1. Keller and Heckman does not have a connection to Rizing Sun and takes no position as to Rizing Sun’s culpability or the penalty imposed. *Id.* at 2. Rather, Keller and Heckman’s interest in this matter is limited to presenting legal arguments supporting the Administrative Law Judge’s determination as to the aforementioned legal question. *Id.* at 1-2.

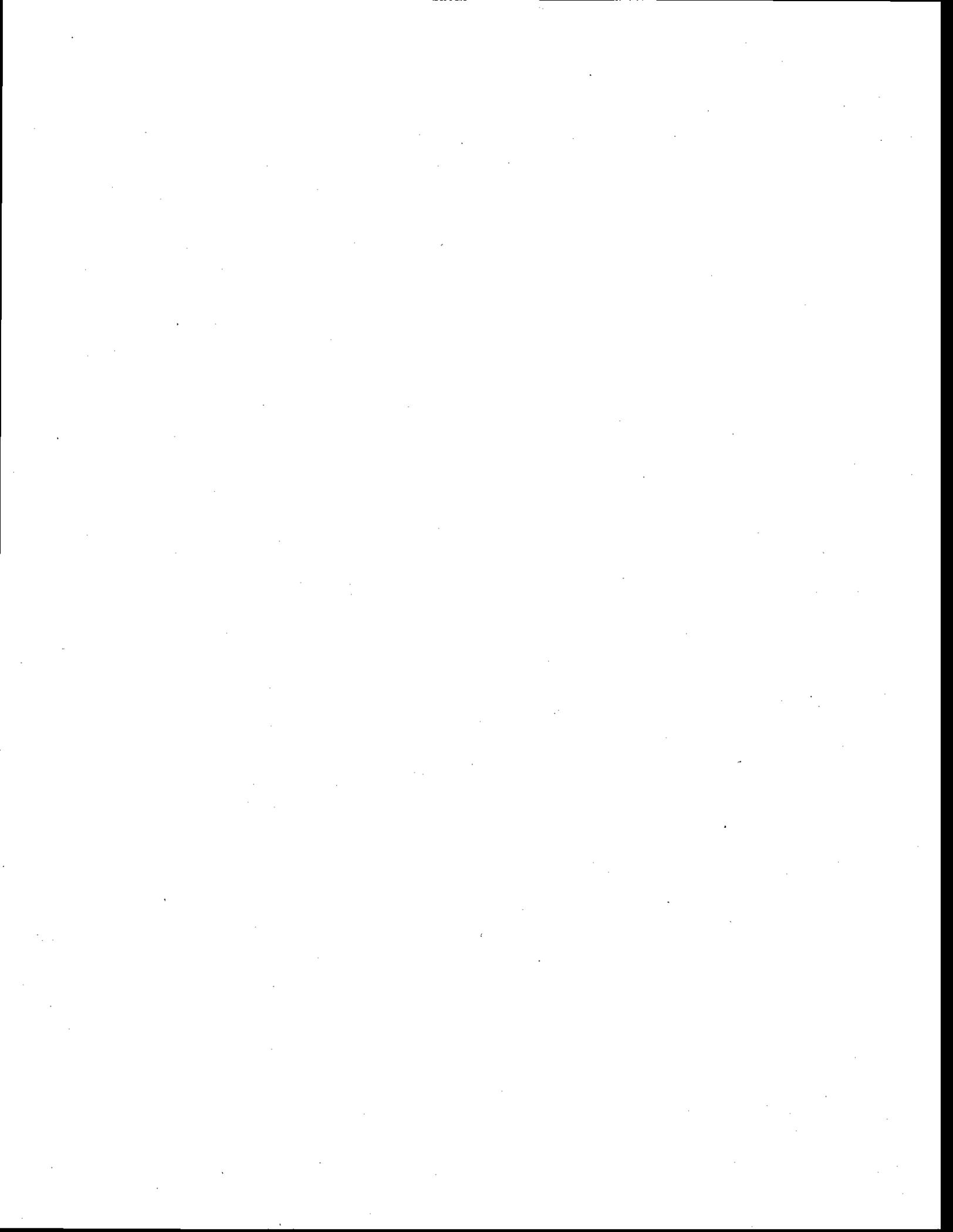
Having concluded that the *amicus curiae* brief may assist it in resolving the issue raised in the appeal and that its filing will not result in undue delay or in any prejudice to either party, the Board grants Keller and Heckman’s request. Pursuant to the request, the *amicus curiae* brief shall be filed with the Clerk of the Board on or before August 31, 2007.

So ordered.

Dated: August 9, 2007

ENVIRONMENTAL APPEALS BOARD

By: Kathleen A. Stein for Edward E. Reich  
Edward E. Reich  
Environmental Appeals Judge



## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Permission to File Brief as Amicus Curiae in the matter of *Rizing Sun, L.L.C.*, FIFRA Appeal No. 07-02, were sent to the following persons in the manner indicated:

**By First Class Mail:**

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Date: AUG - 9 2007



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Annette Duncan  
Secretary

