

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the matter of )  
 )  
Environmental Protection ) Docket No. TSCA-3-2001-0331  
Services, Inc., )  
 )  
Respondent )

ORDER DENYING MOTION FOR REQUEST  
FOR PRODUCTION OF DOCUMENTS

Environmental Protection Services, Inc. (“EPS”), moves for the production of certain documents.<sup>1</sup> The United States Environmental Protection Agency opposes this motion. The motion by EPS is *denied* as being prematurely filed.

Rule 19(e) of the Consolidated Rules of Practice, 40 C.F.R. 22.19(e), sets forth the procedure for obtaining discovery. The discovery procedures of Rule 19(e) are available only after the parties have completed their prehearing exchanges. On January 16, 2002, an order was issued lifting the stay governing the filing of prehearing exchanges and setting February 19, 2002, for the filing of Opening prehearing exchanges, and March 11, 2002, for the filing of any Reply prehearing exchanges. Only after the completion of this prehearing exchange can respondent move for further discovery.

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<sup>1</sup> EPS makes its document request pursuant to the Consolidated Rules of Practice, 40 C.F.R. Part 22, and the Freedom of Information Act. This order addresses respondent’s request pursuant to Consolidated Rules of Practice only. To the extent that EPS relies on the Freedom of Information Act, it is simply in the wrong forum.

Accordingly, respondent's Motion For Request For Production Of Documents is *denied, without prejudice.*<sup>2</sup>

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Carl C. Charneski  
Administrative Law Judge

Issued: January 18, 2002  
Washington, D.C.

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<sup>2</sup> The thirteen items requested by EPS are also, for the most part, overly broad and, in some instances, request information that may be privileged. Because the discovery request is untimely in the first place, these alternative grounds for denying respondent's motion need not be addressed.