

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In re FIFRA Section 6(b) Notice of Intent  
to Cancel Pesticide Registrations for  
Chlorpyrifos Products** )  
)  
)  
)  
**Gharda Chemicals International, Inc., and  
Red River Valley Sugarbeet Growers  
Association, et al.,** )  
)  
)  
**Petitioners.** )  
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**Docket No. FIFRA-HQ-2023-0001**

**PETITIONERS' PREHEARING EXCHANGE**

Gharda Chemicals International, Inc. (“Gharda”) and Red River Valley Sugarbeet Growers Association, U.S. Beet Sugar Association, American Sugarbeet Growers Association, Southern Minnesota Beet Sugar Cooperative, American Crystal Sugar Company, Minn-Dak Farmers Cooperative, American Farm Bureau Federation, American Soybean Association, Iowa Soybean Association, Minnesota Soybean Growers Association, Missouri Soybean Association, Nebraska Soybean Association, South Dakota Soybean Association, North Dakota Soybean Growers Association, National Association of Wheat Growers, Cherry Marketing Institute, Florida Fruit and Vegetable Association, and Georgia Fruit and Vegetable Growers Association, and National Cotton Council of America (“Growers” and together with Gharda, “Petitioners”), pursuant to 40 C.F.R. § 164.50(b) and the Order Scheduling Hearing and Prehearing Procedures entered in this matter on June 5, 2023 (the “Prehearing Order”), hereby submit this Prehearing Exchange.

Petitioners reserve the right to move to amend or supplement this Prehearing Exchange as provided by 40 C.F.R. § 164.50(b). For example, Petitioners intend to seek leave to conduct

discovery of EPA regarding several issues including, but not limited to, EPA's failure to conduct an analysis of the impacts of chlorpyrifos registration cancellation on production and prices of agricultural commodities, retail food prices and otherwise on the agricultural economy as required by the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), EPA's failure to provide the Secretary of Agriculture with the analysis of such impacts as required by FIFRA, EPA's failure to sufficiently consult with the U.S. Department of Agriculture ("USDA") regarding the NOIC as required by FIFRA, communications between EPA and USDA regarding the NOIC, EPA's failure to consider lesser alternatives to cancellation with respect to chlorpyrifos as required by FIFRA, and EPA's decision to revoke all food use tolerances for chlorpyrifos despite the commitments of Petitioner Gharda to voluntarily cancel food uses other than for the Safe Uses as determined by EPA in its 2020 PID. Petitioners will amend their Pre-Hearing Exchange as necessary consistent with the results of this discovery.

The heading numbers below correspond to those set forth in the Prehearing Order.

A. **List of Potential Witnesses**

Petitioners may call any or all of the following witnesses at the evidentiary hearing in this matter. A curriculum vitae for each expert witness is provided within the verified statement of each witness, filed separately.

- Ram Seethapathi, President of Gharda Chemicals International, Inc. Mr. Seethapathi's verified written statement provides factual testimony.
- Stephanie Stephens, Principal Scientist at Exponent, Inc. Ms. Stephens' verified written statement provides expert and factual testimony.
- Michael Aerts, Vice President of Science and Regulatory Affairs at the Florida Fruit and Vegetable Association (FFVA). Mr. Aerts's verified written statement provides factual testimony.

- Johnie Walter Boatright, III, Director of Government Affairs at American Farm Bureau Federation (AFBF). Mr. Boatright's verified written statement provides factual testimony.
- Chris Butts, Executive Vice President of the Georgia Fruit and Vegetable Growers Association (GFVGA). Mr. Butts's verified written statement provides factual testimony.
- Neil Brodie Griffin, Vice President of Agriculture at the Amalgamated Sugar Company. Mr. Griffin's verified written statement provides factual testimony.
- Luther Markwart, Executive Vice President of the American Sugarbeet Growers Association (ASGA). Mr. Markwart's verified written statement provides factual testimony.
- Peter Nelson, Crop Production Specialist for the Cherry Marketing Institute. Mr. Nelson's verified statement provides factual testimony.
- Ben Scholz, Past-President of the National Association of Wheat Growers (NAWG). Mr. Scholz's verified statement provides factual testimony.
- Jordan Scott, Member of Board of Directors for the American Soybean Association (ASA), previous President of South Dakota Soybean Association. Mr. Scott's verified statement provides factual testimony.

**B. Verified Written Statements**

Pursuant to the Prehearing Order, each of the witnesses listed above submits a verified written statement to serve as their direct testimony. A copy of each written statement is being filed at the same time as this document.

**C. Exhibits to be Introduced into Evidence by Petitioners**

Petitioners, Respondent and Intervenors conferred and agreed to jointly submit a set of exhibits. Petitioners understand that Respondent EPA will submit these joint exhibits with its prehearing exchange.

Petitioners are separately filing Petitioners' Exhibits which will be identified as "PX".

Below is a list of the PX Exhibits:

<b>Exhibit No.</b>	<b>Date</b>	<b>Document Description</b>
PX 1	1/17/2017	USDA Comments on the Risk Assessment Underlying the Reopened Proposed Rule “Chlorpyrifos; Tolerance Revocations; Notice of Data Availability and Request for Comment” (EPA-HQ-OPP-2015-0653-0648) (Jan. 17, 2017)
PX 2	2019	EPA/OPP Meetings with Stakeholders on Chlorpyrifos (Spring – Summer 2019)
PX 3	9/15/2020	FIFRA Scientific Advisory Panel Meeting Minutes and Final Report No. 2020-02 (Sept. 15-18, 2020)
PX 4	12/22/2020	Respondents’ Rule 28(j) Letter ( <i>League of United Latin Am. Citizens v. Regan</i> ) (No. 19-71979) (ECF No. 88) (Dec. 22, 2020)
PX 5	3/7/2021	USDA Comments on the Proposed Interim Decision for Chlorpyrifos for Registration Review; EPA-HQ-OPP-2008-0850.
PX 6	10/15/2021	CropLife America Written Objections, Request for Stay, Request for Guidance (EPA-HQ-OPP-2021-0523) (Oct. 15, 2021)
PX 7	10/21/2021	Declaration of Dr. Richard Reiss in Support of Gharda’s Objections to the Final Rule Revoking All Tolerances for Chlorpyrifos
PX 8	10/22/2021	Gharda Objections to the Final Rule Revoking All Tolerances for Chlorpyrifos
PX 9	10/22/2021	Gharda Petition to Stay the Effective Date of the Revocation of All Tolerances for Chlorpyrifos
PX 10	10/22/2021	Declaration of Ram Seethapathi in Support of Gharda’s Objections to the Final Rule Revoking All Tolerances for Chlorpyrifos and Exhibits A-K
PX 11	10/26/2021	Letter from Arent Fox to EPA
PX 12	10/29/2021	American Soybean Assoc. Formal Written Objections, Request for Evidentiary Hearing, and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) (Oct. 29, 2021)
PX 13	11/19/2021	Letters from Gharda to EPA
PX 14	12/13/2021	Letter from Gharda to EPA
PX 15	2/18/2022	Respondents’ Motion to Dismiss, <i>Red River Valley Sugarbeet Growers Ass’n v. Regan</i> (No. 22-1294) (Feb. 18, 2022)
PX 16	2/21/2022	Declaration of Stephanie Stephens (Doc. ID 5133345) (No. 22-1422)
PX 17	2/28/2022	Petitioners’ Response in Opposition to Respondents’ Motion to Dismiss, <i>Red River Valley Sugarbeet Growers Ass’n v. Regan</i> (No. 22-1294) (Feb. 28, 2022)
PX 18	2/28/2022	Petition for Review (Doc. ID 5131400) (No. 22-1422) (Feb. 28, 2022)
PX 19	3/3/2022	Declaration of Ram Seethapathi (Doc. ID 5133345) (No. 22-1422)
PX 20	3/3/2022	Petitioners’ Motion to Stay (Doc. ID 5132688) (No. 22-1422)
PX 21	3/7/2022	Respondents’ Reply in Support of their Motion to Dismiss, <i>Red River Valley Sugarbeet Growers Ass’n v. Regan</i> (No. 22-1294) (Mar. 7, 2022)
PX 22	3/11/2022	Respondents’ Opposition to Petitioners’ Motion for Stay Pending Review and Exhibits A & B (Doc. ID 5135786) (No. 22-1422) (March 11, 2022)

<b>Exhibit No.</b>	<b>Date</b>	<b>Document Description</b>
PX 23	3/14/2022	Petition for Review (Doc. ID 5136561) (No. 22-1530) (Mar. 14, 2022)
PX 24	3/14/2022	Petitioners' Reply in Support of Motion to Stay (Doc. ID 5136346) (No. 22-1422) (Mar. 14, 2022)
PX 25	5/24/2022	Petitioners' Opening Brief (No. 22-1422)
PX 26	5/25/2022	CropLife Amicus Brief (No. 22-1422)
PX 27	5/31/2022	State of North Dakota Amicus Brief and Attachments (No. 22-1422)
PX 28	5/31/2022	State of Missouri Amicus Brief (No. 22-1422)
PX 29	7/22/2022	Brief of Respondents (No. 22-1422)
PX 30	7/22/2022	Respondents Addendum (No. 22-1422)
PX 31	9/2/2022	Petitioners' Reply Brief (No. 22-1422)
PX 32	12/14/2022	Petitioners' Rule 28(j) Citation and Exhibits A-D
PX 33	12/23/2022	Respondents' Response to Rule 28(j) Letter (No. 22-1422)
PX 34	1/18/2023	Petitioners' 28(j) Citation and Exhibits A-D
PX 35	1/20/2023	Respondents' Response to Rule 28(j) Letter (No. 22-1422)
PX 36	6/1/2023	Petitioners' Motion for Appeal of Order Denying Stay to EAB and Exhibits 1-8
PX 37	6/16/2023	Petitioners' Reply in Support of Motion for Appeal of Order Denying Stay to EAB and Exhibit
PX 38	9/21/2020	Third Revised Human Health Risk Assessment (Sept. 21, 2020)
PX 39	9/15/2020	Updated Chlorpyrifos Refined Drinking Water Assessment (Sept. 15, 2020)
PX 40	11/28/2020	EPA, Revised Benefits of Agricultural Uses of Chlorpyrifos, EPA-HQ-OPP-2008-0850-0969 (Nov. 18, 2020)
PX 41	Dec. 2020	Chlorpyrifos Proposed Interim Registration Review Decision (Dec. 2020)
PX 42	1/13/2023	Gharda Request for Hearing, Statement of Objections, and Request for Stay
PX 43	January 1996	USDA NASS Florida Commercial Citrus Acreage as of January 1996. Printed Oct. 11, 2011
PX 44	7/10/1998	USDA NASS July 10, 1998 Florida Agricultural Statistics – Citrus July Forecast
PX 45	1999	Ellsworth et al. 1999, The University of Arizona, Cooperative Extension IPM Series No. 13, Sticky Cotton Sources & Solutions
PX 46	2012	Bangsund, Dean A. & Hodur, Nancy M. & Leistriz F. Larry, 2012 <i>Economic Contribution of the Sugarbeet Industry in Minnesota and North Dakota</i> , AGRIBUSINESS & APPLIED ECONOMICS REPORT, North Dakota State University
PX 47	June 2004	Excerpt (Table 36) - USDA NASS (Florida State and County Data) 2002 Census of Agriculture, issued June 2004
PX 48	2018	Singerman, A., M. Burani-Arouca, and S. Futch. 2018 <i>The profitability of new citrus plantings in Florida in the era of HLB</i> . Hortscience. 53(11); 1655-1663

<b>Exhibit No.</b>	<b>Date</b>	<b>Document Description</b>
PX 49	July 2018	Florida Agriculture & Natural Resource Facts UF IFAS, produced July 2018
PX 50	2019	Tuck, Brigid, 2019, <i>Economic Contribution of Southern Minnesota Beet Sugar Cooperative</i> University of Minnesota, Extension Center for Community Vitality, Report of the Economic Impact Analysis Program
PX 51	April 2019	Excerpt (Table 37) - USDA NASS (Florida State and County Data) 2017 Census of Agriculture, issued April 2019
PX 52	Oct. 2021	Nate Hultgren – Hultgren Farms’ Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 2021
PX 53	10/18/2021	Cherry Marketing Institute’s Formal Written Objections, Request for Evidentiary Hearing and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 18, 2021
PX 54	10/19/2021	Agricultural Stakeholders’ Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 19, 2021
PX 55	10/26/2021	Brent Baldwin’s Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 26, 2021
PX 56	10/27/2021	American Farm Bureau Federation’s Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 27, 2021
PX 57	10/28/2021	Minn-Dak Farmers Cooperative’s Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 28, 2021
PX 58	10/29/2021	American Sugarbeet Growers Assoc. & U.S. Beet Sugar Assoc. Formal Written Objections to Decision Revoking All Chlorpyrifos Tolerances with Request for Evidentiary Hearing (EPA-HQ-OPP-2021-0523) (Oct. 29, 2021)
PX 59	10/29/2021	American Sugarbeet Growers Assoc. & U.S. Beet Sugar Assoc. Request for a Stay of Decision Revoking All Chlorpyrifos Tolerances (EPA-HQ-OPP-2021-0523) (Oct. 29, 2021)
PX 60	10/29/2021	U.S. Beet Sugar Assoc. Transmittal of Objections to Decision Revoking All Chlorpyrifos Tolerances (EPA-HQ-OPP-2021-0523) (Oct. 29, 2021)
PX 61	10/29/2021	American Sugarbeet Growers Assoc. Transmittal of Objections to Decision Revoking All Chlorpyrifos Tolerances (EPA-HQ-OPP-2021-0523) (Oct. 29, 2021)
PX 62	10/29/2021	Southern Minnesota Beet Sugar Cooperative’s Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 29, 2021
PX 63	10/29/2021	American Crystal Sugar Company’s Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 29, 2021

<b>Exhibit No.</b>	<b>Date</b>	<b>Document Description</b>
PX 64	10/29/2021	National Association of Wheat Growers' Supplemental Formal Written Objections, Request for Evidentiary Hearing and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 29, 2021
PX 65	10/29/2021	Joel Schreurs (Soybean/Corn Grower) Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 29, 2021
PX 66	10/29/2021	Cherry Marketing Institute's Supplemental Formal Written Objections, Request for Evidentiary Hearing and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 29, 2021
PX 67	10/29/2021	Minor Crop Farmer Alliance's – Formal Written Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Oct. 29, 2021
PX 68	1/4/2022	EPA's Response to America Soybean Association's Objections and Request to Stay Tolerance Revocations: Chlorpyrifos (EPA-HQ-OPP-2021-0523) dated Jan, 4, 2022 – Soybean letter
PX 69	1/12/2022	USDA NASS January 12, 2022 Florida Agricultural Statistics – Citrus January Forecast
PX 70	9/20/2022	Letter from The Honorable Thomas J.Vilsack, Secretary, U.S. Department of Agriculture, to The Honorable Rep. Vicky Hartzler
PX 71	1/6/2023	Letter to Administrator Regan “Request for Stay/Withdrawal of EPA’s Notice of Intent to Cancel Registrations for Chlorpyrifos” from Petitioners
PX 72	1/9/2023	Letter from Julie Gordon, President/Managing Director, Cherry Marketing Institute, to the Honorable Michael S. Regan, Administrator, EPA, “Request for Stay/Withdrawal of EPA’s Notice of Intent to Cancel Registrations for Chlorpyrifos” (Jan. 9, 2023)
PX 73	1/11/2023	Letter from Michael Goodis, EPA, to Carrie Meadows, U.S. Beet Sugar Association and 20 additional Grower Groups, declining request for stay/withdrawal of EPA’s Notice of Intent to Cancel Registrations for Chlorpyrifos (Jan. 11, 2023)
PX 74	1/13/2023	Grower Petitioners’ Request for Hearing and Statement of Objections
PX 75	2/3/2021	Gharda Comments to EPA Proposed Interim Registration Review Decision for Chlorpyrifos (EPA-HQ-OPP-2008-0850)

Some of the PX Exhibits are claimed as confidential business information (“CBI”) by Petitioners. Redacted copies of those Exhibits are being filed through the OALJ’s electronic

filing system. A complete copy of the documents containing information claimed confidential is also being filed with the Office of Administrative Law Judges.

D. **Official Notice**

There are currently no matters as to which Petitioners request that official notice be taken.

E. **Interpretation Services**

Petitioners do not require interpretative services.

F. **Scientific Questions, Referral to Committee**

Petitioners do not anticipate requesting that any questions of scientific fact be referred to a committee designated by the National Academy of Sciences pursuant to 7 U.S.C. § 136d(d) and 40 C.F.R. § 164.50(e).

This 14<sup>th</sup> day of July, 2023,

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2023, true and correct copies of the foregoing Petitioners' Prehearing Exchange was filed electronically with the EPA OALJ E-Filing System for the OALJ's E-Docket Database, with a copy via electronic mail to the following:

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