



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.)

Docket No. FIFRA-HQ-2023-0001

**ORDER TO SUBMIT STATEMENT REGARDING HEARING AVAILABILITY AND
PREFERRED LOCATION**

This matter relates to the U.S. Environmental Protection Agency’s (“Agency’s”) Notice of Intent to Cancel Pesticide Registrations for chlorpyrifos. Chlorpyrifos; Notice of Intent to Cancel Pesticide Registrations, 87 Fed. Reg. 76474-02 (Dec. 14, 2022) (“NOIC”). The proceeding was initiated when, on January 13, 2023, Petitioners filed objections to the NOIC and requested a hearing pursuant to Section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 136-136y, “FIFRA”) to contest the registrations’ cancellation. Gharda Chemicals International, Inc.’s Request for Hearing & Statement of Objections & Request for Stay (Jan. 13, 2023); Grower Petitioners’ Request for Hearing & Statement of Objections (Jan. 13, 2023). Concurrently herewith, I have issued an Order granting the Motion to Intervene in this proceeding filed by 13 nongovernmental organizations (the “Intervenors”), who thereby became parties to this proceeding. Motion to Intervene (March 28, 2023); Order Granting Motion to Intervene (May 22, 2023).

This proceeding is governed by the *Rules of Practice Governing Hearings, under the Federal Insecticide, Fungicide, and Rodenticide Act, Arising from Refusals to Register, Cancellations of Registrations, Changes of Classifications, Suspensions of Registrations and Other Hearings Called Pursuant to Section 6 of the Act*, 40 C.F.R. Part 164 (“Rules of Practice”), to the extent applicable.

The Rules of Practice contemplate that “prior to the commencement of the hearing and for the purpose of expediting the hearing,” the Administrative Law Judge (“ALJ”) will hold a prehearing conference to consider, *inter alia*: “A setting of a time and place for the public hearing, after giving careful consideration to the convenience of all the parties, the witnesses, the public interest and the necessity for notice in the Federal Register.” 40 C.F.R. § 164.50(a)(10). The Rules of Practice further provide that “[u]pon a finding that circumstances render a prehearing conference unnecessary, or impracticable, or upon a finding that a prehearing

conference would serve primarily to delay the proceedings rather than to expedite them,” the ALJ may forgo the prehearing conference and instead “request the parties to correspond with [her] for the purpose of accomplishing any of the objectives set forth in this section.” *Id.* § 164.50(d). “Such correspondence shall not be made a part of the record, but the Administrative Law Judge shall submit a written summary for the record if any action is taken.” *Id.*

I find that expediency will be best served if the parties identify their availability and preferred location for the hearing in this matter via correspondence. Therefore, in accordance with 40 C.F.R. § 164.50(d), it is hereby ORDERED that:

No later than May 26, 2023, counsel for each party or group of parties shall email the undersigned’s staff attorney Stefanie Neale (neale.stefanie@epa.gov), copying all other parties’ counsel, with a brief statement that identifies (1) the party/parties’ preferred hearing location and (2) all known dates between August 1, 2023, and February 1, 2024, when the party/parties would be *unavailable* to participate in an administrative hearing.¹

SO ORDERED.



Christine Donelian Coughlin
Administrative Law Judge

Dated: May 22, 2023
Washington, D.C.

¹ Petitioners are welcome to file a single submission, should they wish to do so.

In re FIFRA Section 6(b) Notice of Intent to Cancel Pesticide Registrations for Chlorpyrifos Products, Docket No. FIFRA-HQ-2023-0001

Gharda Chemicals International, Inc., and Red River Valley Sugarbeet Growers Association, et al., Petitioners

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Requesting Hearing Availability**, dated May 22, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.

Stephanie Neale

Stephanie Neale

Attorney Advisor

Copy by OALJ E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

Copies by Electronic Mail to:

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For Intervenors

Dated: May 22, 2023
Washington, D.C.