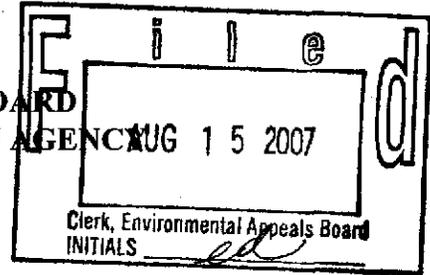


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

Martex Farms, S.E.)

FIFRA Appeal No. 07-01

Docket No. FIFRA 02-2005-5301)
)
)

ORDER SCHEDULING ORAL ARGUMENT

On February 15, 2007, Martex Farms, S.E. ("Martex") filed an appeal from an Initial Decision issued on January 19, 2007, by Administrative Law Judge Susan Biro (the "ALJ"). On March 28, 2007, U.S. EPA's Special Litigation and Projects Division ("EPA Litigation") filed a response to Martex's appeal and a cross-appeal. In the Initial Decision, the ALJ found that Martex is liable for numerous violations of section 14(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136l(a)(1), and the Worker Protection Standard regulations at 40 C.F.R. part 170. The ALJ assessed an aggregate penalty of \$92,620 for the violations.

Upon review of the Initial Decision and the parties' appeal briefs, the Board has decided that oral argument will assist it in its deliberations of this matter. Accordingly, the parties are hereby invited to participate in oral argument beginning at 10:00 a.m. on Tuesday, October 30, 2007, in the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated sixty minutes total for this oral argument, divided as follows: (1) thirty minutes for

Martex and (2) thirty minutes for EPA Litigation. At the outset of the proceedings, Martex may reserve five minutes of its thirty-minute allocated time for rebuttal.

The parties shall notify the Clerk of the Board in writing by October 19, 2007, of the names of counsel who will present argument. Counsel for the parties are advised that the Administrative Courtroom is equipped with state-of-the-art video-conferencing equipment and, accordingly, either party may participate in the oral argument by video conference without attending in person. Counsel for either of the parties who wish to participate in this oral argument via video-conferencing shall contact the Clerk of the Board, at 202-233-0122, no later than Wednesday, October 10, 2007, to make arrangements for use of the video-conference equipment.

The Board encourages the parties to consider settlement of this matter. In that regard, the Board is prepared, upon request of the parties, to assist in facilitating mediation to aid settlement should the parties determine that such assistance would be beneficial.

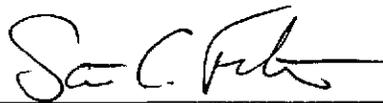
So ordered.

Dated:

8/15/07

ENVIRONMENTAL APPEALS BOARD

By:



Scott C. Fulton,
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Scheduling Oral Argument in the matter of Martex Farms, S.E., FIFRA Appeal No. 07-01, were sent to the following persons in the manner indicated:

Telecopier and Pouch Mail:

Eduardo Quintana
Legal Enforcement Program
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129
Fax: (303) 312-6953

Telecopier and Inter-Office Mail:

Danielle C. Fidler
Office of Enforcement and Compliance Assurance
U.S. EPA (MC - 2248A)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Fax: (202) 564-0010

Telecopier and U.S. First Class Mail:

Romano Zampierollo-Rheinfeldt
116 Calle Mallorca
Urb. Floral Park
San Juan, Puerto Rico 00917-3121
Fax: (787) 763-0601

Dated: AUG 15 2007


Annette Duncan
Secretary