

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

In the Matter of)
Martex Farms, S.E..)
Docket No. FIFRA-02-2005-5301)
_____)

FIFRA Appeal No. 07-01

ORDER GRANTING EXTENSION OF TIME TO FILE APPEAL BRIEF

On February 15, 2007, pursuant to Rule 22.30 (a) of the Consolidated Rules of Practice, 40 C.F.R. § 22.30(a), Respondent, Martex Farms, S.E. (“Martex”), filed with the Environmental Appeals Board (“Board”) a notice of appeal from Administrative Law Judge Susan L. Biro’s January 19, 2007, initial decision in the above-captioned case.¹ Simultaneously, Martex filed a Motion to Request an Extension of Time to File the Appeal Brief. Martex’s appeal brief is currently due February 23, 2007. 40 C.F.R. §§ 22.7(c), 22.30. Martex represents that the Motion is unopposed.

In its motion, Martex requests a two-week extension of time to file its appeal brief. In support of that request, Martex notes numerous pretrial motions and documents filed in the case and explains that additional time is needed to thoroughly review those documents, and to summarize the facts and applicable law as appropriate.

¹ This appeal arises from an enforcement proceeding alleging violations of Section 14(a)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”), 7 U.S.C. § 1361(a)(1), and the Worker Protection Standards (“WPS”) codified at 40 C.F.R. Part 170.

Having duly considered the request and for good cause shown, the Board grants the Motion for an extension of time. Martex's appeal brief must now be filed no later than March 9, 2007.²

So ordered.

Dated: February 16, 2007

ENVIRONMENTAL APPEALS BOARD

Kathie A. Stein for Scott C. Fulton

Scott C. Fulton

Environmental Appeals Judge

² Documents are "filed" with the Board on the date they are received by the Clerk. 40 C.F.R. § 22.5(a).

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Extension of Time to File Appeal Brief, FIFRA Appeal No. 07-01, were sent to the following persons in the manner indicated.

By Certified Mail Return Receipt Requested:

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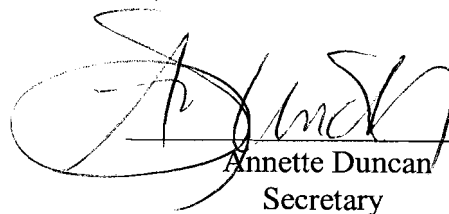
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By Inter-Office Mail:

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Dated: FEB 16 2007


Annette Duncan
Secretary