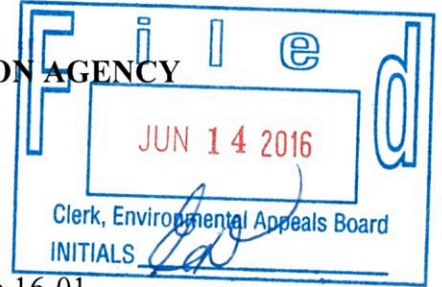


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Bayer CropScience LP, and Nichino)
America, Inc.)

Docket No. FIFRA-HQ-2016-0001)
_____)

FIFRA Appeal No 16-01

ORDER SETTING ORAL ARGUMENT

Bayer CropScience LP, and Nichino America, Inc. (“Bayer and Nichino”) have appealed three rulings by Chief Administrative Law Judge Susan Biro in *In re Bayer CropScience LP*, Docket No. FIFRA-HQ-2016-0001: Order on Petitioners’ Motion for Accelerated Decision (April 25, 2016); Order on Respondent’s Motion to Limit Scope of Testimony (May 3, 2016); and Corrected Initial Decision (June 3, 2016). Bayer and Nichino have requested that the Environmental Appeals Board hold oral argument. Among other reasons for requesting oral argument, Bayer and Nichino cite to the complexity of the matter and argue that the case is one of first impression. Request for Oral Argument by Bayer CropScience LP and Nichino America, Inc. at 1. Bayer and Nichino represent that they have conferred with the Environmental Protection Agency, the appellee in this matter, and that EPA has indicated that it does not believe oral argument is necessary in this case but that it does not object to oral argument if the Board determines that oral argument will assist it in its deliberations. *Id.* at 1 n.1.

Given that this case involves important questions of first impression, the Board grants Bayer and Nichino's motion and orders the parties to participate in oral argument beginning at 1:00 p.m. Eastern Daylight Savings Time on Wednesday, June 22, 2016, in the Administrative

Courtroom, U.S. Environmental Protection Agency, William Jefferson Clinton East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated sixty minutes for oral argument, divided as follows and in the following order: (1) thirty minutes for Appellant, Bayer and Nichino; (2) thirty minutes for Appellee, EPA. At the outset of the proceedings, Bayer and Nichino may reserve up to five minutes of their allocated time for rebuttal. The parties shall notify the Clerk of the Board in writing no later than 10:00 a.m. Eastern Daylight Savings Time on Friday, June 17, 2016, of the names of those persons who will present oral argument.¹

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: June 14, 2016

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge

¹ Oral arguments before the Board are open to the public. For security purposes, advance notice is required to gain entry into the EPA building where the Courtroom is located. Members of the public wishing to attend oral argument must contact the Clerk of the Board (Eurika Durr, 202-233-0122, durr.eurika@epa.gov) sufficiently in advance of the oral argument to allow the Clerk reasonable opportunity to notify appropriate security personnel (i.e., no later than 10:00 a.m. Eastern Daylight Savings Time on Friday, June 17, 2016).

CERTIFICATE OF SERVICE

I certify that copies of the foregoing ORDER SETTING ORAL ARGUMENT in the matter of Bayer CropScience LP, and Nichino America, Inc., FIFRA Appeal No. 16-01, were sent to the following persons on June 14, 2016, in the manner indicated:

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Dated: JUN 14 2016



Annette Duncan
Secretary
Environmental Appeals Board