

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

<u>In Re</u>)	
)	
)	
<u>AMVAC Chemical Corporation</u>)	Appeal No. FIFRA 23-01
)	
)	
<u>Docket No. FIFRA-HQ-2022-02</u>)	

[PROPOSED] FINAL DECISION AND ORDER

On May 16, 2023, following a hearing held January 23 through January 25, 2023, Chief Administrative Law Judge Susan L. Biro entered an Initial Decision and Order in Docket No. FIFRA-HQ-2022-0002. Petitioner AMVAC Chemical Corporation (“AMVAC”) and Respondent the United States Environmental Protection Agency Office of Pesticide Programs (“OPP”), with the intent of avoiding further litigation, have negotiated a Settlement Agreement which they consider a fair and adequate resolution of the matters involved in this case and have filed a Joint Motion for Entry of Final Decision.

The Environmental Appeals Board finds and determines that said Settlement Agreement between AMVAC and OPP represents a just, fair, and equitable resolution of the issues raised in this case.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

The Joint Motion for Entry of Final Decision is GRANTED.

The registered pesticide product of AMVAC Chemical Corporation, Technical Chlorthal Dimethyl (EPA Reg. No. 5481-495) is hereby immediately suspended pursuant to FIFRA Section 3(c)(2)(B).

The terms and conditions set out in the Settlement Agreement are approved and incorporated into this Order by reference and made applicable to AMVAC and OPP.

The terms and conditions governing the disposition of existing stocks which appear in OPP's April 28, 2022, Notice of Intent to Suspend are incorporated into this Order by reference and hereby made enforceable. EPA Reg. No. 5481-495 shall remain suspended until the terms of the Settlement Agreement are satisfied.

This order shall be enforceable under section 12(a)(2)(J) of FIFRA.

The Environmental Appeals Board shall retain jurisdiction to enforce this Order and to hear any disputes between AMVAC and OPP arising under the Settlement Agreement.

So ordered.