

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

**In re AMVAC Chemical Corporation;
Grower-Shipper Association of Central
California; J&D Produce; Ratto Bros., Inc.;**
and Huntington Farms

Docket No. FIFRA-HQ-2022-02

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) **Appeal No. FIFRA 23-(01)M**
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**JOINT MOTION TO EXTEND TIME FOR FILING
NOTICE OF EXCEPTIONS AND APPEAL BRIEFS**

The United States Environmental Protection Agency, Office of Pesticide Programs (“OPP”), AMVAC Chemical Corporation (“AMVAC”), and the Grower-Shipper Association of Central California; J&D Produce; Ratto Bros., Inc.; and Huntington Farms (the “Grower Petitioners”) (together with OPP and AMVAC, the “Parties”), hereby jointly move that the timing for filing exceptions and related briefs, in connection with the above-captioned matter, provided in 40 C.F.R. § 164.101(a), be further extended such that any exceptions and appeal briefs would be required to be filed with the Board on or before August 18, 2023.

The Parties initially moved for entry of a Final Decision incorporating the terms of a settlement agreement on June 16, 2023. On June 22, 2023, the Board denied that motion without prejudice and allowed the Parties to file a renewed motion. On June 27, 2023, the Parties filed a renewed motion, which the Board denied on July 7, 2023. In its July 7, 2023, Order, the Board required that any exceptions to the Initial Decision and associated appeal briefs be filed with the Board no later than July 27, 2023, and that any responses to said exceptions and appeal briefs be filed no later than August 3, 2023.

AMVAC and OPP believe that resolution of the issues addressed in the Initial Decision remains possible and are continuing to pursue settlement in this matter under an alternate framework that would not request or require the EAB or the Office of Administrative Law Judges (“OALJ”) to retain jurisdiction or provide any form of oversight or approval in connection with the settlement agreement. If the settlement agreement now under discussion is finalized, no exceptions would be filed with the EAB in connection with the underlying Initial Decision, and the EAB and OALJ would follow standard procedures under such circumstances without any conditions imposed by the settlement agreement.

Absent an extension, the Parties will be required to divert their time and effort from settlement discussions to a proceeding before the Board. The settlement agreement now under consideration would preserve judicial and party resources by setting out a framework for reinstatement of AMVAC’s registration without presenting questions to the EAB or the OALJ for resolution.

Thus, to permit the settlement discussions to continue, and to minimize the potential that a further request for extension will be made, the Parties request that the timing for filing exceptions and other briefs provided in 40 C.F.R. § 164.101(a) be extended pursuant to the Board’s authority under 40 C.F.R. § 164.6(b) such that: (1) any exceptions and associated appeal briefs shall be required to be filed with the Board by August 18, 2023, instead of the current deadline of July 27, 2023, and any briefs responding to exceptions shall be required to be filed by August 25, 2023, instead of the current deadline of August 3, 2023.

In connection with requesting this relief from the Board, the Parties jointly stipulate pursuant to 40 C.F.R. § 164.103 to extend the 90-day deadline for the Board to issue its final decision and order, pursuant to that section, by the number of days between the current deadline for exceptions (July 27, 2023) and the new deadline requested in this motion (August 18, 2023).

Dated: July 21, 2023

Respectfully submitted,

/s/ Hume M. Ross

Hume M. Ross

Tracy A. Heinzman

Keith A. Matthews

WILEY REIN LLP

2050 M ST NW

Washington, DC 20036

Telephone: (202) 719-7000

HRoss@wiley.law

THeinzman@wiley.law

KMatthews@wiley.law

Counsel for AMVAC Chemical Corp.

/s/ Cristen S. Rose (with permission)

Cristen S. Rose

HAYNES BOONE

800 17th Street NW

Washington, DC 20006

Cristen.Rose@haynesboone.com

Counsel for Grower Petitioners

(Grower-Shipper Association of

Central California, et al.)

/s/ Forrest Pittman (with permission)

Forrest Pittman

Erin S. Koch

Pesticides and Toxic Substances Law Office

Office of General Counsel

U.S. Environmental Protection Agency

Mail Code 2310A

1200 Pennsylvania Avenue, NW

Washington, DC 20460

202-564-9626

Pittman.Forrest@epa.gov

Koch.Erin@epa.gov

Counsel for Office of Pesticide Programs

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Joint Motion to Extend Time for Filing Notice of Exceptions and Appeal Briefs**, dated July 21, 2023, was sent this day to the following parties in the manner indicated below.

/s/ Hume Ross
Hume Ross
Counsel for AMVAC Chemical Corp.

Copy by EAB E-Filing System to:
Emilio Cortes
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20004

Copy by Electronic Mail to:

Erin S. Koch
Forrest Pittman
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Mail Code 2310A
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-9626
Koch.Erin@epa.gov
Pittman.Forrest@epa.gov

Counsel for Office of Pesticide Programs

Cristen S. Rose
HAYNES BOONE
800 17th Street NW
Washington, DC 20006
Cristen.Rose@haynesboone.com
*Counsel for Grower Petitioners
(Grower-Shipper Association of
Central California, et al.)*

Dated July 21, 2023