

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

In re)	
)	
)	
AMVAC Chemical Corporation)	Appeal No. FIFRA 22-01
)	
)	
Docket No. FIFRA-HQ-2022-02)	
)	

**RESPONDENT’S OPPOSITION TO PETITIONER’S MOTION
FOR LEAVE TO FILE REPLY BRIEF AND FOR ORAL ARGUMENT**

Respondent, the Office of Chemical Safety and Pollution Prevention, Office of Pesticide Programs, of the U.S. Environmental Protection Agency respectfully submits this motion opposing AMVAC Chemical Corporation’s (“AMVAC”) Motion for Leave to File Reply Brief and for Oral Argument. As contemplated in 40 C.F.R. § 164.102(c), the parties’ previously submitted briefs and the record before the Board provide a sufficient basis to decide AMVAC’s appeal of the Administrative Law Judge’s July 1, 2022 Order Granting Respondent’s Motion for Accelerated Decision. Additionally, FIFRA Section 3(c)(2)(B)(iv), provides that a determination on this matter shall be made within 75 days of AMVAC’s May 27, 2022 Request for Hearing, to wit: August 10, 2022. *Cf.* Revised Order Governing Petitions for Review of Clean Air Act New Source Review Permits (EAB Sept. 21, 2020) (applying presumptions against the filing of reply briefs and against holding oral argument “to facilitate expeditious resolution of” “time-sensitive [] NSR appeals”).

Respectfully submitted,

Dated: August 3, 2022

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
Pittman.Forrest@epa.gov

Counsel for Respondent

TO:
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
Attorneys for Petitioner AMVAC Chemical Corp.

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Respondent's Opposition to Petitioner's Motion**, dated August 3, 2022, was sent this day to the following parties in the manner indicated below.

Forrest Pittman
Attorney Advisor

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:

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
Attorneys for Petitioner AMVAC Chemical Corp.

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

Sara Beth Watson
Steptoe & Johnson LLP
1330 Connecticut Ave. NW
Washington, DC 20036
SWatson@steptoe.com
Attorney for Amicus CropLife America

Dated August 3, 2022