

**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**

---

)  
)  
)  
) **Appeal No. FIFRA 23-(01)M**  
)  
)  
)

**JOINT NOTICE THAT NO APPEALS WILL BE FILED**

The United States Environmental Protection Agency, Office of Pesticide Programs (“OPP”), AMVAC Chemical Corporation (“AMVAC”), the Grower-Shipper Association of Central California; J&D Produce; Ratto Bros., Inc.; and Huntington Farms (the “Grower Petitioners”) (collectively, the “Parties”), hereby notify the Environmental Appeals Board (“EAB”) that none of the Parties intend to file exceptions to the May 16, 2023, Initial Decision and Order issued by the Administrative Law Judge in Docket No. FIFRA-HQ-2022-0002.

Consistent with the Parties’ July 21, 2023, Joint Motion To Extend Time For Filing Notice of Exceptions and Appeal Briefs (granted by the EAB on July 25, 2023), AMVAC and OPP continued to negotiate a settlement in this matter and have, as of the time of this filing, executed an Administrative Settlement Agreement that does not require the EAB or the Office of Administrative Law Judges to retain jurisdiction or provide any form of oversight or approval. The Administrative Settlement Agreement executed by AMVAC and OPP is – apart from the lack of direct oversight by the EAB – broadly consistent with the settlement agreement that the Parties asked the EAB to incorporate into a Final Order on June 16, 2023.<sup>1</sup> Specifically, the

---

<sup>1</sup> Following additional briefing requested on June 22, 2023, the EAB declined to incorporate the settlement agreement filed on June 16, 2023, into a Final Order.

subsequently negotiated and executed Administrative Settlement Agreement clarifies the framework governing the timing and conditions under which OPP will reinstate AMVAC's Technical Chlorthal Dimethyl ("DCPA") registration (EPA Reg. No. 5481-495).<sup>2</sup>

Because a temporary suspension of AMVAC's Technical DCPA registration is a premise of the Administrative Settlement Agreement, AMVAC and OPP request that the EAB decline review of the Initial Decision and Order and enter a Final Decision and Order as soon as practicable.<sup>3</sup>

Dated: August 18, 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](mailto:HRoss@wiley.law)  
[THeinzman@wiley.law](mailto:THeinzman@wiley.law)  
[KMatthews@wiley.law](mailto: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](mailto:Cristen.Rose@haynesboone.com)

*Counsel for Grower Petitioners*

/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](mailto:Pittman.Forrest@epa.gov)  
[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)

*Counsel for Office of Pesticide Programs*

---

<sup>2</sup> The Growers do not have any obligations under the Administrative Settlement Agreement and notify the EAB of their separate decision not to file exceptions in this Notice in the interest of administrative convenience only.

<sup>3</sup> AMVAC and OPP do not intend this request as a motion to which a response from the EAB is sought.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Joint Notice That No Appeals Will Be Filed**, dated August 18, 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:

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](mailto:Pittman.Forrest@epa.gov)  
[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)

*Counsel for Office of Pesticide Programs*

Cristen S. Rose  
HAYNES BOONE  
800 17th Street NW  
Washington, DC 20006  
[Cristen.Rose@haynesboone.com](mailto:Cristen.Rose@haynesboone.com)  
*Counsel for Grower Petitioners*

Dated August 18, 2023