



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

September 14, 2007

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ENVIR. APPEALS BOARD

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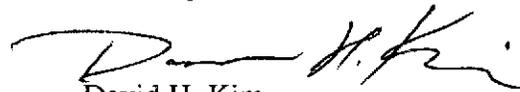
Ms. Erika Durr
Clerk of the Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street, N.W.
Suite 600
Washington, D.C. 20005

Re: *In the Matter of Rizing Sun, L.L.C.*
Docket No. FIFRA-09-2004-0024
EAB Appeal No. FIFRA-07-02

Dear Ms. Durr:

On August 31, 2007, Keller and Heckman LLP filed the Brief of *Amici Curiae* CropLife America, Responsible Industry for a Sound Environment, and American Chemistry Council Biocides Panel in the above-captioned matter. We wish to inform the Environmental Appeals Board (the "Board") that the Appellant, U.S. Environmental Protection Agency, Region 9, does not plan to file any response to the August 31, 2007 Brief and will await the Board's decision regarding this matter.

Sincerely,


David H. Kim

cc: Telisport W. Putsavage