



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In re FIFRA Section 3(c)(2)(B) Notice of Intent)
to Suspend Dimethyl Tetrachloroterephthalate)
(DCPA) Technical Registration)
)
AMVAC Chemical Corporation;)
Grower-Shipper Association of Central)
California; Sunheaven Farms, LLC; J&D)
Produce; Ratto Bros., Inc.; and Huntington)
Farms,)
Petitioners.)

Docket No. FIFRA-HQ-2022-0002

ORDER ON RESPONDENT’S MOTION FOR LEAVE TO FILE OUT OF TIME

Initial Post-Hearing Briefs in this matter were due April 7, 2023. *See* Post-Hr’g Scheduling Order (March 17, 2023). Petitioners timely filed their briefs on that date, while the Agency submitted its brief approximately 15 minutes after midnight on April 8, 2023.

In light of this late filing, the Agency also moved for a corresponding extension of the initial briefing deadline. *See* Resp’t’s Mot. for Leave to File Out of Time (April 8, 2023) (“Motion”). The Agency states that its brief was tardy due to counsel’s inadvertent error but argues that the 15-minute delay is unlikely to impact this proceeding or prejudice petitioners. Mot. at 1. Petitioners have not responded to the Motion, but no response is needed.

The applicable procedural rules permit me to accept the late filings of documents and to take actions and decisions in the interests of justice. *See* 40 C.F.R. §§ 164.6(b), 164.40(d). Here, I accept counsel’s statement that the late filing was inadvertent and agree that it will have no meaningful impact on this proceeding or petitioners. Further, my ability to fully consider the Agency’s post-hearing argument before rendering an initial decision serves the interests of justice.

Accordingly, the Motion is **GRANTED**, and I accept Respondent’s late filing of its Initial-Post Hearing Brief.

SO ORDERED.

Susan L. Biro
Chief Administrative Law Judge

Dated: April 11, 2023
Washington, D.C.

***In re FIFRA Section 3(c)(2)(B) Notice of Intent to Suspend Dimethyl
Tetrachloroterephthalate (DCPA) Technical Registration***

AMVAC Chemical Corporation; Grower-Shipper Association of Central California; Sunheaven Farms, LLC; J&D Produce; Ratto Bros., Inc.; and Huntington Farms, Petitioners.
Docket No. FIFRA-HQ-2022-0002

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Respondent's Motion for Leave to File Out of Time**, dated April 11, 2023, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



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Dated: April 11, 2023
Washington, D.C.