

mentioning any specific terms of settlement, Respondent shall file a Status Report regarding this conference and the status of settlement on or before **October 21, 2022**. The Status Report shall further state whether, since July 1, 2022, the Agency has determined that any of the outstanding data requests that are the subject of the NOITS have been resolved.

Additional Discovery. Prior to remand, the parties submitted their primary discovery documents and verified witness statements in lieu of oral direct testimony. For the purpose of expediting the hearing and to simplify the contested issues, the parties may now engage in further mutually agreed upon discovery utilizing the standard methods of discovery described in the Federal Rules of Civil Procedure. Such discovery shall be limited to addressing whether Petitioner AMVAC took appropriate steps to secure each of the 20 data items listed in the NOITS and whether the provisions of the NOITS concerning existing stocks are consistent with FIFRA. *See* 40 C.F.R. §§ 164.50, 164.51. If the parties cannot agree on a discovery matter, they must file a motion seeking further discovery. Any such motion must be filed no later than **October 28, 2022**. All discovery shall be completed no later than **December 16, 2022**.

Other Motions. Motions for subpoenas shall be filed no later than **December 23, 2022**. Motions in limine shall be filed no later than **15 days** prior to hearing. Likewise, a party may freely amend its witness list, narrative summaries of expected testimony, documents, or exhibits, except that any amendment sought within **15 days** of the hearing must be accompanied by a motion demonstrating good cause for the amendment.

Joint Stipulations. The time allotted for the hearing is limited. Therefore, the parties shall make a good faith effort to stipulate as much as possible to matters that cannot reasonably be contested. This practice ensures that the hearing is concise and focused solely on those matters that can only be resolved after an evidentiary hearing. Any stipulations reached by the parties shall be filed as a Joint Set of Stipulated Facts, Exhibits, and/or Testimony on or before **January 20, 2023**.

Prehearing Briefs. The parties may, if they wish, file prehearing briefs on or before **February 3, 2023**.

Prehearing Conference. A prehearing conference will be scheduled in advance of the hearing and conducted by an Attorney-Advisor for this Tribunal.

Hearing. The hearing in this matter will be held beginning promptly at **9 a.m. ET** on **Tuesday, February 14, 2023**, and continue as necessary through Friday, February 17, 2022. The hearing will take place at:

EPA Administrative Courtroom
EPA East Building, Room 1152
1201 Constitution Ave. NW
Washington, D.C. 20460

Additional information about the hearing will be provided at a later date. The parties are hereby advised that the hearing will be held virtually using videoconferencing technology if

conditions related to the spread of COVID-19 within Washington, D.C. require it as the scheduled hearing approaches.

Individuals requiring special accommodations for the hearing, including the services of an interpreter, must contact Mary Angeles, Headquarters Hearing Clerk, at (202) 564-6281 or angeles.mary@epa.gov, no later than 30 days prior to the scheduled hearing, so that appropriate arrangements can be made. If you have any procedural questions or questions about what to expect at the hearing, you may contact OALJ staff attorneys Matt Barnwell or Alyssa Katzenelson at barnwell.matt@epa.gov and katzenelson.alyssa@epa.gov, respectively. **Under no circumstances should you telephone or email the undersigned directly.**

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: October 3, 2022
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 **Hearing and Scheduling Order Following Remand**, dated October 3, 2022, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.


Matt Barnwell
Attorney-Advisor

Copy by OALJ E-Filing System to:

Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Rm. M1200
1300 Pennsylvania Ave. NW
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
Email: pittman.forrest@epa.gov
koch.erin@epa.gov
Attorneys for Respondent

Cristen S. Rose
HAYNES BOONE
800 17th Street NW
Washington, DC 20006
Email: cristen.rose@haynesboone.com

James P. Rathvon
5814 Cromwell Drive
Bethesda, MD 20816
Email: jprathvon@gmail.com
*Attorneys for Petitioner "Grower Group"
(Grower-Shipper Association of Central
California, et al.)*

David B. Weinberg
Tracy A. Heinzman
Keith A. Matthews
Hume M. Ross
Mark B. Sweet
WILEY REIN LLP
2050 M Street NW
Washington, DC 20036
Email: dweinberg@wiley.law
Email: theinzman@wiley.law
Email: kmatthews@wiley.law
Email: hross@wiley.law
Email: msweet@wiley.law

Timothy J. Donnelly
AMVAC Chemical Corporation
4695 MacArthur Ct, Suite 1200
Newport Beach, CA 92660
Telephone: (949) 221-6115
timd@amvac.com
*Attorneys for Petitioner AMVAC
Chemical Corporation*

Dated: October 3, 2022
Washington, D.C.