



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:)
)
CBD American Shaman, LLC,) Docket No. FIFRA-07-2022-0142
)
Respondent.)

**ORDER GRANTING COMPLAINANT’S THIRD MOTION FOR EXTENSION OF
PREHEARING DEADLINES**

This proceeding was initiated on April 10, 2023, with the filing of a Complaint by the Complainant, the Director of the Enforcement and Compliance Assurance Division of Region 7 of the U.S. Environmental Protection Agency (“Agency”) against Respondent CBD American Shaman, LLC, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l. Respondent subsequently filed an Answer to the Complaint, in which it denied the alleged violations and requested a hearing. After I was designated to preside over the proceeding, I issued a Prehearing Order setting deadlines for a number of prehearing procedures, including the filing of a fully-executed Consent Agreement and Final Order (“CAFO”) if the parties achieved settlement of this matter, and a prehearing exchange of information by each party if settlement was not achieved in the meantime.

On June 20, 2023, and again on July 17, 2023, Complainant filed motions seeking four-week extensions of all prehearing deadlines. Motion for Extension of Time to File Prehearing Exchange and/or a Consent Agreement and Final Order (June 20, 2023); Motion for Extension of Time to File Prehearing Exchange and/or a Consent Agreement and Final Order (July 17, 2023). I granted both requested extensions. Order on Complainant’s Mot. for Extension of Prehearing Deadlines (June 21, 2023). Order on Complainant’s Second Mot. for Extension of Prehearing Deadlines (July 18, 2023).

On August 16, 2023, Complainant filed a third Motion for Extension of Time to File Prehearing Exchange and/or a Consent Agreement and Final Order (“Third Motion for Extension”). Complainant’s Third Motion for Extension asserts that the parties have reached a settlement in principle and requests an additional two-week extension of the CAFO and prehearing exchange deadlines to allow the parties to reduce their agreement to a fully-executed CAFO. Third Mot. for Extension ¶¶ 3, 4. Complainant represents that Respondent does not oppose the requested extension. Third Mot. for Extension ¶ 5.

This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of

Permits (“Rules of Practice”) set forth at 40 C.F.R. Part 22. The Rules of Practice provide that I “may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative.” 40 C.F.R. § 22.7(b).

Here, Complainant’s Third Motion for Extension was timely and shows good cause. As reflected in the Rules of Practice, Agency policy supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). The interests of the parties and judicial economy continue to be well served by the parties resolving this matter informally and expeditiously. Further, Complainant’s representation that the parties have reached an agreement in principle suggests such a resolution will be achieved imminently. Accordingly, the Third Motion for Extension is hereby **GRANTED**. However, the parties are also hereby notified that if they are unable to file a fully-executed CAFO by the deadline set out below, they should prepare to file their prehearing exchanges without further delay.

Accordingly: A fully-executed CAFO shall be filed with the Regional Hearing Clerk on or before **September 8, 2023**, with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to finalize a settlement by that date, they shall file their prehearing exchanges pursuant to the following schedule:

September 8, 2023	Complainant’s Initial Prehearing Exchange
September 29, 2023	Respondent’s Prehearing Exchange
October 13, 2023	Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.



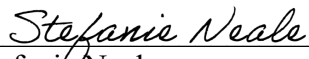
Susan L. Biro
Chief Administrative Law Judge

Dated: August 17, 2023
Washington, D.C.

In the Matter of *CBD American Shaman, LLC*, Respondent.
Docket No. FIFRA-07-2022-0142

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Complainant's Third Motion for Extension of Prehearing Deadlines**, dated August 17, 2023, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Stefanie Neale
Attorney Advisor

Copy by OALJ E-Filing System to:
U.S. Environmental Protection Agency
Office of Administrative Law Judges
<https://yosemite.epa.gov/OA/EAB/EAB-ALJ Upload.nsf>

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For Respondent

Dated: August 17, 2023
Washington, D.C.