



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
MJB Worldwide LLC,) **Docket No. FIFRA-07-2021-0023**
)
Respondent.)

ORDER ON COMPLAINANT’S SECOND MOTION FOR EXTENSION OF TIME

This proceeding was initiated on January 28, 2022, with the filing of a Complaint and Notice of Opportunity for Hearing (“Complaint”) by Complainant, the Director of the Enforcement and Compliance Assurance Division at Region 7 of the United States Environmental Protection Agency (“EPA”), against Respondent, MJB Worldwide LLC, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136l. On March 29, 2022, I issued a Prehearing Order setting deadlines for a number of prehearing procedures, including the filing of a Status Report by Complainant, a Preliminary Statement by each party, 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.

Complainant timely filed a Status Report and Preliminary Statement on April 22, 2022. In the Status Report, Complainant advised that the parties held a settlement conference on April 6 and that while the parties were unable to reach an agreement at that time, Complainant intended to continue to pursue discussions with Respondent in an effort to achieve settlement. Complainant subsequently filed an unopposed Motion for Extension of Time to (1) Calculate Penalty and File Consent Agreement and Final Order and (2) File Complainant’s Initial Prehearing Exchange, in which Complainant sought a 30-day extension of the deadline for a CAFO or its Initial Prehearing Exchange because of the parties’ progress towards settlement. I granted that request by Order dated May 9, 2022, and set June 13, 2022, as the deadline for the parties to file a CAFO or, in the alternative, for Complainant to file its Initial Prehearing Exchange. Complainant now seeks another extension of that deadline, as set out in its Second Motion for Extension of Time to (1) Calculate Penalty and File Consent Agreement and Final Order and (2) File Complainant’s Initial Prehearing Exchange (“Motion”). Specifically, Complainant “requests an additional 30 days, up to and including July 7, 2022,” because the parties have “continued to actively engage in productive and good faith settlement negotiations” and “Complainant has requested and anticipates receiving further financial documentation which is likely to affect the penalty sought for the violations in the Complaint.” Motion at physical page 2. Complainant also represents that Respondent does not object to the requested extension.


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 Motion was timely and shows good cause. As reflected in the Rules of Practice, EPA policy supports settlement of a proceeding without the necessity of a formal hearing. 40 C.F.R. § 22.18(b)(1). Undoubtedly, the interests of the parties and judicial economy are well served by the parties resolving this matter informally and expeditiously. Accordingly, the Motion is hereby **GRANTED**. As requested, a fully-executed CAFO shall now be filed with the Regional Hearing Clerk on or before **July 7, 2022**,¹ with a courtesy copy filed with the Headquarters Hearing Clerk. If the parties are unable to achieve settlement by that date, they shall file their prehearing exchanges pursuant to the following schedule:

July 7, 2022	Complainant’s Initial Prehearing Exchange
July 29, 2022	Respondent’s Prehearing Exchange
August 11, 2022	Complainant’s Rebuttal Prehearing Exchange

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge


Dated: June 9, 2022
Washington, D.C.

¹ In requesting “an additional 30 days,” Complainant appears to be seeking an additional 30 days from the date of its Motion, rather than a 30-day extension of the June 13, 2022 deadline. The other prehearing deadlines set by this Order have been extended accordingly.

In the Matter of *MJB Worldwide LLC*, Respondent.
Docket No. FIFRA-07-2021-0023

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Complainant's Second Motion for Extension of Time**, dated June 9, 2022, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Jennifer Almase
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Original by OALJ E-Filing System to:
Mary Angeles, Headquarters Hearing Clerk
U.S. Environmental Protection Agency
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https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf

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Dated: June 9, 2022
Washington, D.C.