



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

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

**ORDER ON COMPLAINANT’S 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. § 136*l*. 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 Status Report by Complainant, 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 9, 2023, Complainant filed a timely Status Report indicating settlement discussions had been unsuccessful as of that date. On June 20, 2023, Complainant filed a Motion for Extension of Time to File Prehearing Exchange and/or a Consent Agreement and Final Order (“Motion”). Therein, Complainant represents that the parties have made meaningful progress towards a settlement in this matter but require additional time to finalize an agreement. Complainant therefore requests a four-week extension of the June 30, 2023, CAFO deadline and of all prehearing exchange deadlines, to give the parties time to pursue a settlement. 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, 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 are well served by the parties resolving this matter informally and expeditiously. Accordingly, the Motion is hereby **GRANTED**. A fully-executed CAFO shall be filed with the Regional Hearing Clerk on or before **July 28, 2023**, 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 28, 2023	Complainant's Initial Prehearing Exchange
August 18, 2023	Respondent's Prehearing Exchange
September 1, 2023	Complainant's Rebuttal Prehearing Exchange

SO ORDERED.



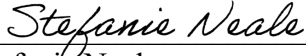
Susan L. Biro
Chief Administrative Law Judge

Dated: June 21, 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 on Complainant's Motion for Extension of Prehearing Deadlines**, dated June 21, 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: June 21, 2023
Washington, D.C.