

- **Christina Wendel (OPP Witness)**

Based on the training set forth in the Background section of her statement and attached C.V., OPP may offer her testimony as an expert witness in the areas of (1) ecological risk assessment consistent with FIFRA including exposure to non-target organisms, and (2) evaluation of ecological effects studies including those conducted pursuant to OCSPP Guideline Series 850.

- **Stephen Wente (OPP Witness)**

Based on the training set forth in the Background section of his statement and attached C.V., OPP may offer his testimony as an expert witness in the areas of (1) ecological risk assessment consistent with FIFRA including the environmental fate of pesticide products, and (2) evaluation of environmental transformation studies including those conducted pursuant to OCSPP Guideline Series 835.

- **Richard S. Freedlander (AMVAC Witness)**

Based on the training and experience set forth in the Background and Curriculum Vitae section of his statement, AMVAC may offer his testimony as an expert witness in the areas of (1) ecological risk assessment consistent with FIFRA including exposure to non-target organisms and environmental fate of pesticide products, and (2) evaluation of ecological effects studies including those conducted pursuant to OCSPP Guideline Series 835 and 850.

- **Ephraim Gur (AMVAC Witness)**

Based on his training and experience as set forth in his verified written statement, AMVAC offers his testimony as an expert witness in the areas of pesticide registration, reregistration and registration review under FIFRA, including but not limited to the

following: (1) responding to data call-ins; (2) data development, including but not limited to involvement in analysis of data requirements, study design, protocol development, data generation, and interpretation of study results; and (3) interfacing with EPA and other regulatory agencies regarding all of the above.

- **Richard Smith (Grower Petitioner Witness)**

Based on the knowledge, training and experience set forth in his written testimony and CV, the Grower Petitioners offer Mr. Smith as an expert in weed science and vegetable crop production. Within these areas of expertise, Mr. Smith will address the uses of DCPA and the critical role it plays in the production of certain crops including brassicas and onions. With respect to these crops, he also will address weed control challenges, the lack of alternative preemergent herbicides, and the impact on yields if DCPA is not available.

- **Stephen A. Fennimore (Grower Petitioner Witness)**

Based on the knowledge, training and experience set forth in his written testimony and CV, the Grower Petitioners offer Dr. Fennimore as an expert in weed science and ecophysiology, integrated strategies for weed management in vegetable crops, and the availability and efficacy of weed management tools in vegetable crops. Within these areas of expertise, Dr. Fennimore will address the critical role of DCPA in controlling weeds in onions and brassica crops, the importance of these crops to cropping systems, the lack of direct substitutes for DCPA, and the impact the loss of DCPA would have on yields and production costs of crops for which it is a critical crop protection tool.

Second, AMVAC stipulates that in a Verified Written Witness Statement dated June 17, 2022, AMVAC’s Director of Regulatory Compliance Julie Porter stated that, in the document dated June 27, 2016, designated in the record as JX 74, “EPA was clear that the DCI requirement for the 28-day leptocheirus study [Special Study 1072] was not being waived.” AMVAC is not otherwise offering Ms. Porter’s June 17, 2022 statement into evidence in this matter. Based on this stipulation, OPP waives any right it may have had to cross examine Ms. Porter concerning her prior statement.

Third, the Parties have conferred and jointly request the admission of the following exhibits into evidence, subject to objections as noted below:

- JX 93: DCPA Reregistration Eligibility Decision (“RED”) (Nov. 1998) (no objections)
- PAX 79: Data Evaluation Report on the Acute Toxicity of Dacthal Technical to Algae (September 28, 2016) (no objections)
- PAX 80: Risks of DCPA Use to Federally Threatened California Red-Legged Frog (February 19, 2009) (no objections)
- PAX 81: Fate, Transport, and Transformation Test Guidelines 835.4300 and 835.4400 (no objections)
- PAX 82: Fate, Transport, and Transformation Test Guidelines 835.4100 and 835.4200 (no objections)
- RX 15: EPA Best Practices for Internal/External Correspondence document (July 1, 2020) (OPP objects to relevance)
- RX 25: Verified Statement of Christina Wendel (June 17, 2022) (no objections)
- RX 26: Verified Statement of Stephen Wente (June 17, 2022) (no objections)

Fourth, at the hearing the Presiding Officer designated Dkt. 47 in this matter, the January 6, 2023, Joint Stipulated Facts submittal, as Court Exhibit (“CE”) 1. The Parties jointly request that the Court designate the following additional CEs:

- Dkt. 44 (December 23, 2022, Joint Stipulations and Status Report) as CE 2;
- Dkt. 53 (January 18, 2023, Status Report) as CE 3; and
- this filing as CE 4.

The attached **Exhibit A** to this filing shows the status of the various exhibits based on the Parties’ review of their records. In Exhibit A, "---" prior to an Exhibit number indicates that the Parties’ records reflect that the Exhibit was not indicated as having been entered by the Presiding Officer when reviewing the status of exhibits at the hearing on Wednesday, January 25, 2023. Exhibits that the Parties have requested be entered in this filing are shown with JX/PAX/RX/PGX (as opposed to "---") in Exhibit A even if they were not indicated as having been entered by the Presiding Officer at the hearing.

//

//

//

//

Dated: January 31, 2023

Respectfully submitted,

/s/ Forrest Pittman (with permission)

Forrest Pittman
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
202-564-9626
Pittman.Forrest@epa.gov
Counsel for Respondent

/s/ Cristen S. Rose (with permission)

Cristen S. Rose
HAYNES BOONE
800 17th Street NW
Washington, DC 20006
Cristen.Rose@haynesboone.com
Counsel for Grower Petitioners

/s/ Hume M. Ross

David B. Weinberg
Tracy A. Heinzman
Keith A. Matthews
Hume M. Ross
WILEY REIN LLP
2050 M ST NW
Washington, DC 20036
Telephone: (202) 719-7000
DWeinberg@wiley.law
THeinzman@wiley.law
KMatthews@wiley.law
HRoss@wiley.law
*Counsel for Petitioner
AMVAC Chemical Corp.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Joint Status Report Concerning Expert Qualifications & Exhibits**, was sent on January 31, 2023, to the following parties in the manner indicated below.

/s/ Hume M. Ross
Hume M. Ross

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

Dated January 31, 2023