

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

**In re FIFRA Section 6(b) Notice of Intent
to Cancel Pesticide Registrations for
Chlorpyrifos Products**

**Gharda Chemicals International, Inc. and
Red River Valley Sugarbeet Growers
Association, et al.,**

Petitioners

Docket No. FIFRA-HQ-2023-0001

**RESPONDENT’S AND INTERVENORS’
RESPONSE TO ORDER TO SHOW CAUSE**

The U.S. Environmental Protection Agency (“EPA,” “Agency,” or “Respondent”) and Intervenor,¹ pursuant to the Presiding Officer’s November 8, 2023 Order to Show Cause and November 29, 2023 Order Granting Respondent’s Motion for Extension of Time to Show Cause, hereby provide notice that the Agency did not seek rehearing of the Eighth Circuit’s November 2, 2023 judgment in *Red River Valley Sugarbeet Growers Association, et al. v. Regan*, No. 22-1422. Respondent and Intervenor expect that the Eighth Circuit’s mandate will issue in the near future, at which point both EPA’s August 30, 2021 Final Rule revoking all chlorpyrifos tolerances and the February 28, 2022 Final Order Denying Objections will be vacated. As noted in the Order to Show Cause, vacatur of the Final Rule undercuts the basis of the Notice of Intent to Cancel and would support dismissal of the instant action.

¹ Individual Intervenor organizations are: League of United Latin American Citizens, Pesticide Action Network North America, Natural Resources Defense Council, California Rural Legal Assistance Foundation, Farmworker Association of Florida, Farmworker Justice, GreenLatinos, Labor Council for Latin American Advancement, Learning Disabilities Association of America, Pineros y Campesinos Unidos del Noroeste, Alianza Nacional de Campesinas, United Farm Workers, and United Farm Workers Foundation.

Accordingly, Respondent and Intervenors offer no cause as to why this proceeding should not be dismissed once the Eighth Circuit's mandate issues.

Respectfully submitted,

Dated: December 19, 2023

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Counsel for Intervenors

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Respondent's and Intervenor's Response to Order to Show Cause, dated December 19, 2023, was filed electronically with the U.S. Environmental Protection Agency, Office of Administrative Law Judges E-filing system, with a copy via electronic mail to the following:

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