

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

In re FIFRA Section 6(b) Notice of Intent to Cancel Pesticide Registrations for Chlorpyrifos Products)	
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)	
Gharda Chemicals International, Inc. and Red River Valley Sugarbeet Growers Association, et al.,)	Docket No. FIFRA-HQ-2023-0001
)	
Petitioners)	
)	

**NOTIFICATION OF PUBLICATION OF NOTICE OF RECEIPT OF REQUEST TO
VOLUNTARILY AMEND REGISTRATIONS TO TERMINATE CERTAIN USES**

Respondent the U.S. Environmental Protection Agency (“EPA,” “Agency,” or “Respondent”) hereby notifies this Tribunal of Respondent’s publication in the Federal Register as of the date hereof of a notice titled Chlorpyrifos; Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations to Terminate Certain Uses (the “Notice of Receipt”).¹

This Notice of Receipt represents the latest step in the Agency’s administrative efforts to process the requests to cancel registrations and terminate food uses that were submitted following the expiration of the revoked tolerances on February 28, 2022.² This step would

¹ 88 Fed. Reg. 37,875 (Jun. 9, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-06-09/pdf/2023-12354.pdf>.

² See, e.g., Notice of Receipts of Requests to Voluntarily Cancel Certain Pesticide Registrations, 87 Fed. Reg. 25,256 (Apr. 28, 2022); Cancellation Order for Certain Chlorpyrifos Registrations, 87 Fed. Reg. 53,471 (Aug. 31, 2022); Chlorpyrifos; Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations To Terminate/Amend Certain Uses, 87 Fed. Reg. 76,191 (Dec. 13, 2022); Chlorpyrifos; Amendment to Provisions for Disposition of Existing Stocks, 88 Fed. Reg. 5,332 (Jan. 27, 2023); Cancellation Order for Certain Chlorpyrifos Registrations and Uses, 88 Fed. Reg. 28,541 (May 4, 2023).

further the Agency’s compliance with the Ninth Circuit’s directive to cancel or modify pesticide registrations consistent with the revocation of tolerances. *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673, 704 (9th Cir. 2021).

Respondent is informing this Tribunal about this particular notice because this Notice of Receipt includes the March 30, 2022 request from Petitioner Gharda Chemicals International, Inc. (“Gharda”) to voluntarily terminate certain – but not all – food uses of three pesticide registrations pursuant to section 6(f)(1)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136d(f)(1)(A) (the “Gharda 6(f) Request”).³ These three registrations are subject to the December 14, 2022 Notice of Intent to Cancel (“NOIC”) that is at issue in the proceeding pending before this Tribunal. Chlorpyrifos; Notice of Intent to Cancel Pesticide Registrations, 87 Fed. Reg. 76,474 (Dec. 14, 2022).

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be cancelled or amended to terminate one or more registered uses. 7 U.S.C. § 136d(f)(1). Before acting to either grant or deny the request, EPA must publish a notice of receipt of any such request in the Federal Register and provide for a public comment period. 7 U.S.C. §§ 136d(f)(1)(B), (C), and (D).

Respondent EPA does not believe that the publication of the Notice of Receipt or the ultimate termination of those certain food uses will have any substantive implications for the proceeding before this Tribunal. In the Gharda 6(f) Request, Petitioner Gharda requested that EPA cancel all of Petitioner Gharda’s currently registered food uses, except for the eleven uses in specific geographic areas as discussed in the December 3, 2020 Proposed Interim Registration

³ Gharda Request for Hearing and Statement of Objections and Request for Stay (“Objections”), Ex. 9. Respondent notes that this letter is identified in the Objections as Exhibit 9, *see, e.g.*, Objections at 7, but is identified in the exhibits themselves as Exhibit 4. *See* pp. 664-668 of the PDF file containing the exhibits to the Objections.

Review Decision for Chlorpyrifos (“2020 PID”).⁴ Respondent EPA notes that even if EPA ultimately approves the Gharda 6(f) Request to terminate some – but not all – food uses prior to the conclusion of this proceeding, the registrations subject to the Notice of Receipt (and the NOIC) will continue to allow for use on food. As a result, those registrations would continue to be inconsistent with FIFRA, which would necessitate their cancellation through the proceeding before this Tribunal.

Respectfully submitted,

Dated: June 9, 2023

/s/ Aaron Newell
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Pesticides and Toxic Substances Law Office
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U.S. Environmental Protection Agency

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⁴ Gharda 6(f) Request at 1. The 2020 PID is available at <https://www.regulations.gov/document/EPA-HQ-OPP-2008-0850-0964>.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTIFICATION OF PUBLICATION OF NOTICE OF RECEIPT OF REQUEST TO VOLUNTARILY AMEND REGISTRATIONS TO TERMINATE CERTAIN USES, dated June 9, 2023, filed electronically with the U.S. Environmental Protection Agency, Office of Administrative Law Judges E-filing system.

I also certify that a true and correct copy of the foregoing NOTIFICATION OF PUBLICATION OF NOTICE OF RECEIPT OF REQUEST TO VOLUNTARILY AMEND REGISTRATIONS TO TERMINATE CERTAIN USES was served on Petitioners via electronic mail to:

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Dated: June 9, 2023

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