



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

ORDER TO RESPONDENT TO RESPOND

This proceeding was initiated by two requests for hearing – the first filed by Petitioner Gharda Chemicals International, Inc. (“Petitioner Gharda”), and the second filed jointly by Petitioners Red River Valley Sugarbeet Growers Association; U.S. Beet Sugar Association; American Sugarbeet Growers Association; Southern Minnesota Beet Sugar Cooperative; American Crystal Sugar Company; Minn-Dak Farmers Cooperative; American Farm Bureau Federation; American Soybean Association; Iowa Soybean Association; Minnesota Soybean Growers Association; Missouri Soybean Association; Nebraska Soybean Association; South Dakota Soybean Association; North Dakota Soybean Growers Association; National Association of Wheat Growers; Cherry Marketing Institute; Florida Fruit and Vegetable Association; Georgia Fruit and Vegetable Growers Association; and National Cotton Council of America (collectively, “Grower Petitioners”) – in response to a Notice of Intent to Cancel (“NOIC”) the registrations of three pesticide products issued by the U.S. Environmental Protection Agency (“EPA,” “Agency,” or “Respondent”) pursuant to Section 6(b) of FIFRA, 7 U.S.C. § 136d(b).1 The NOIC identifies Petitioner Gharda as the registrant for the products subject to the NOIC. Chlorpyrifos; Notice of Intent to Cancel Pesticide Registrations, 87 Fed. Reg. 76,474 (Dec. 14, 2022). I was subsequently designated to preside.

As a preliminary matter, I note that in its Request for Hearing and Statement of Objections and Request for Stay (“Objections”), Petitioner Gharda points to an error in the address of record listed for the company in the NOIC and asserts that it has not yet received a copy of the NOIC from EPA. Objections at 2. The error appears to be typographical in nature,

1 This proceeding is governed by the Rules of Practice Governing Hearings, Under the Federal Insecticide, Fungicide, and Rodenticide Act, Arising from Refusals to Register, Cancellations of Registrations, Changes of Classifications, Suspensions of Registrations and Other Hearings Called Pursuant to Section 6 of the Act (“Rules of Practice”), 40 C.F.R. Part 164, to the extent applicable. The Rules of Practice define the term “Petitioner” as “any person adversely affected by a notice of the Administrator who requests a public hearing,” 40 C.F.R. § 164.2(o), and the term “Respondent” as the Assistant Administrator of the Office of Chemical Safety and Pollution Prevention, 40 C.F.R. § 164.2(s).

and it is clear by virtue of the timely filing of its Objections that Petitioner Gharda had knowledge of the NOIC notwithstanding the error. Nevertheless, Respondent shall file with this Tribunal and serve on the other parties, no later than **February 22, 2023**, a notice indicating how and when the NOIC was sent to the correct address for Petitioner Gharda.²

In its Objections, Petitioner Gharda also requests a stay of any action by this Tribunal with respect to the NOIC, including but not limited to the conduct of a hearing, pending resolution of a lawsuit challenging the validity of the rulemaking found at Chlorpyrifos: Tolerance Revocations, 86 Fed. Reg. 48,315 (Aug. 30, 2021), which forms the basis of the NOIC. Objections at 12-13 (referring to *Red River Valley Sugarbeet Growers Ass'n v. Regan*, Nos. 22-1422, 22-1530 (8th Cir. argued Dec. 15, 2022)). Consistent with my discretion to fix a time for responding to motions provided at 40 C.F.R. § 164.60(b), Respondent shall file and serve a response to the request for a stay no later than **February 22, 2023**. No replies will be permitted.

SO ORDERED.


Christine Donelian Coughlin
Administrative Law Judge

Dated: February 8, 2023
Washington, D.C.

² The Rules of Practice require all notices of intention to cancel a registration to be sent to the registrant by registered or certified mail (return receipt requested). 40 C.F.R. § 164.8.

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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order to Respondent to Respond**, dated February 8, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.



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Paralegal Specialist

Original 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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Dated: February 8, 2023
Washington, D.C.