

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

IN THE MATTER OF

**Timothy Wilson, d/b/a
Wilson's Pest Control,**

Respondent.

)
) **Docket No. FIFRA-07-2023-0135**
)
)
) **MOTION TO SUPPLEMENT**
) **COMPLAINANT'S PREHEARING**
) **EXCHANGE**
)

MOTION TO SUPPLEMENT COMPLAINANT'S PREHEARING EXCHANGE

COMES NOW, the U.S. Environmental Protection Agency, Region 7 ("EPA" or "Complainant"), through its undersigned counsel, to respectfully provide Complainant's Motion to Supplement Complainant's Prehearing Exchange.

1. On May 3, 2024, Complainant filed Complainant's Initial Prehearing Exchange.
2. On May 24, 2024, Respondent filed Respondents' Prehearing Exchange.
3. On June 4, 2024, Complainant filed Complainant's Rebuttal Prehearing Exchange.
4. Pursuant to 40 C.F.R. § 22.19(f), a party who has made an information exchange under paragraph (a) of this section, or who has exchanged information in response to a request for information or a discovery order pursuant to paragraph (e) of this section, shall promptly supplement or correct the exchange when the party learns that the information exchanged or response provided is incomplete, inaccurate or outdated, and the additional or corrective information has not otherwise been disclosed to the other party pursuant to this section.
5. Complainant requests that this Court allow Complainant to supplement its prehearing exchange with the following additional information:

- a. Select pages from EPA's internal pesticide establishment and pesticide production tracking website, SSTS, taken July 16, 2024, hereby attached as CX27.
 - b. Amelia Patterson's Memo on Wilson's Pest Control, dated July 28, 2023, hereby attached as CX28.
 - c. Notice of Inspection for Wilson's Pest Control, located at 2616 Woodson Road, Overland, MO and sample stub dated July 27, 2023, hereby attached as CX29.
6. Complainant additionally requests that this Court replace the current CX9 with the attached CX9 (titled CX9 Revised). CX9 Revised is the correct pesticide label approval, which was valid at the time of the EPA's June 15, 2022 inspection of Respondent's facility located at 2400 North Grand Boulevard, St. Louis, MO.
 7. Complainant communicated its intention to file this motion to Respondent's attorney via e-mail on August 1 and 6, 2024, and left a voice mail on August 6, 2024. Respondent has not provided any response as of the date of this motion.
 8. A hearing date has not yet been scheduled in this matter.

RESPECTFULLY SUBMITTED this 27th day of August, 2024.

For the Complainant
Katherine Kacsur
Assistant Regional Counsel
11201 Renner Boulevard
Lenexa, Kansas 66209
(913) 551-7734
kacsur.katherine@epa.gov

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Supplement Complainant's Prehearing Exchange, Docket No. FIFRA-07-2023-0135, has been submitted electronically using the OALJ E-Filing System.

A copy was sent via email to Mr. Melvin Raymond, counsel for Respondent, at *mraymondattorney1@att.net*.

Date: August 27, 2024

Katherine Kacsur
Assistant Regional Counsel
11201 Renner Boulevard
Lenexa, Kansas 66209
(913) 551-7734
kacsur.katherine@epa.gov