UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

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In re FIFRA Section 3(c)(2)(B) Notice of Intent to Suspend Dimethyl Tetrachloroterephthalate (DCPA) Technical Registration AMVAC Chemical Corporation; Grower-Shipper Association of Central California; J&D Produce; Ratto Bros., Inc.; and Huntington Farms, Petitioners.

Docket No. FIFRA-HQ-2022-0002

NOTICE OF WITHDRAWAL OF MOTION FOR PRODUCTION OF DELEGATION DOCUMENTS

On January 4, 2023, AMVAC Chemical Corporation ("AMVAC") filed a Motion for Production of Delegation Documents ("Motion") in this matter. Dkt. 44. AMVAC filed a Freedom of Information Act ("FOIA") request for certain delegation documents the same day. *See* foiaonline.gov, Tracking Number EPA-2023-001579. The EPA FOIA office provided a first batch of documents in response to the FOIA request on January 6, 2023, and two additional documents on January 9, 2023. Also on January 9, Respondent Office of Pesticide Programs ("OPP") filed a response to the Motion. On January 12, OPP provided an additional document via email. Today, OPP counsel indicated that OPP is no longer "actively searching for any additional documents related to AMVAC's motion or FOIA request" and that OPP would stipulate to the authenticity of all delegation documents provided to AMVAC by OPP or the FOIA office. At this time, based on OPP's statement, AMVAC does not think that the grant of its motion would result in the production of any additional documents. AMVAC accordingly withdraws its motion. The withdrawal of the motion is not a concession that OPP or the FOIA office has provided proof that any particular action relevant to this matter was taken with properly delegated authority.

Date: January 13, 2023

Respectfully Submitted,

<u>/s/ Hume M. Ross</u> 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 AMVAC Chemical Corp.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Withdrawal of Petitioner AMVAC

Chemical Corporation's Motion for Production of Delegation Documents, was sent on

January 13, 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

Copies by Electronic Mail to:

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 Email: pittman.forrest@epa.gov Cristen S. Rose Haynes Boone 800 17th Street NW Washington, DC 20006 Email: cristen.rose@haynesboone.com

Counsel for Grower Petitioners

Counsel for Respondent

Dated January 13, 2023