

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

BEFORE THE ADMINISTRATOR

**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; Sunheaven Farms, LLC; J&D)
Produce; Ratto Bros., Inc.; and Huntington)
Farms,)
Petitioners.)**

Docket No. FIFRA-HQ-2022-0002

RESPONDENT’S PREHEARING EXCHANGE

Respondent, the United States Environmental Protection Agency (“EPA” or “the Agency”), pursuant to 40 C.F.R. § 164.50(b) and the Presiding Officer’s June 3 Order Scheduling Hearing and Prehearing Procedures, hereby submits this Prehearing Exchange. Respondent may move to amend or supplement this Prehearing Exchange as provided by 40 C.F.R. § 164.50(b). The heading numbers below correspond to those set forth in the Presiding Official’s June 3, 2022 Order.

(A) List of Potential Witnesses

Respondent may call any or all of the following witnesses at the evidentiary hearing in this matter.

1. **Jill Bloom**, the lead environmental protection specialist in the Risk Management and Implementation Branch Five (“RMIBV”), Pesticide Reevaluation Division (“PRD”), Office of Pesticide Programs (“OPP”), Office of Chemical Safety and Pollution Prevention (“OCSPP”), EPA. Ms. Bloom was the Chemical Review Manager for EPA’s registration review of DCPA at

the time the Agency issued the 2013 Generic Data Call-In (“DCI”), and may testify as a fact witness. Ms. Bloom is expected to testify as to EPA’s registration review of DCPA, including the 2013 DCI, AMVAC’s submissions in response to the DCI, and EPA’s responses to those AMVAC filings. Ms. Bloom is also expected to testify as to EPA’s registration review process, generally, and to existing stocks provisions included in this and other pesticide suspension proceedings initiated by the Agency.

2. Christina Wendel, a biologist in the Environmental Risk Branch Two (“ERB2”), Environmental Fate and Effects Division (“EFED”), OPP, OCSPP, EPA. Ms. Wendel was a biologist in EFED assigned to the Agency’s registration review of DCPA, including the initial problem formulation beginning in 2010, and has evaluated data submitted pursuant to the 2013 DCI in the intervening years. Ms. Wendel is expected to testify as to certain aspects of EPA’s registration review of DCPA, specifically the ecological effects data requirements, and AMVAC’s submissions in response to those data requirements. Ms. Wendel may testify as a fact witness on direct examination (*i.e.*, the verified written statement filed in tandem with this Prehearing Exchange) and on cross examination. Pursuant to 40 C.F.R. § 164.80(a), Respondent may provide testimony on rebuttal in response to Petitioners’ prehearing exchanges and as otherwise appropriate. For purposes of rebuttal, Ms. Wendel may testify in her capacity as an expert witness.

3. Steven Wentz, a biologist in ERB2, EFED, OPP, OCSPP, EPA. Mr. Wentz is a senior fate scientist in ERB2, the division which assesses environmental risk in the Agency’s registration review of DCPA. Mr. Wentz reviews issues pertaining to the fate of DCPA in the environment, including the development of ecological risk assessments and drinking water assessments, and participates in inter-branch technical teams to ensure that consistent risk assessment methods are

used across EFED branches. Mr. Wentz is expected to testify to certain aspects of EPA's registration review of DCPA, specifically the data requirements pertaining to environmental metabolism and degradation of DCPA, and to AMVAC's submissions in response to those data requirements. Mr. Wentz may testify as a fact witness on direct examination (*i.e.*, the verified written statement filed in tandem with this Prehearing Exchange) and on cross examination. Pursuant to 40 C.F.R. § 164.80(a), Respondent may provide testimony on rebuttal in response to Petitioners' prehearing exchanges and as otherwise appropriate. For purposes of rebuttal, Mr. Wentz may testify in his capacity as an expert witness.

4. Danette Drew, a chemist in the Risk Assessment Branch Five ("RAB5"), Health Effects Division ("HED"), OPP, OCSPP, EPA. Ms. Drew evaluated residue chemistry submissions and data waiver requests in the Agency's registration review of DCPA between 2013 and 2017, specifically with respect to determining whether residue chemistry requirements of the 2013 DCI have been satisfied. Ms. Drew is expected to testify to certain aspects of EPA's registration review of DCPA, specifically the residue chemistry data requirements, and to AMVAC's submissions in response to those requirements. Ms. Drew may testify as a fact witness on direct examination (*i.e.*, the verified written statement filed in tandem with this Prehearing Exchange) and on cross examination. Pursuant to 40 C.F.R. § 164.80(a), Respondent may provide testimony on rebuttal in response to Petitioners' prehearing exchanges and as otherwise appropriate. For purposes of rebuttal, Ms. Drew may testify in her capacity as an expert witness.

5. Elizabeth Mendez, a senior scientist in the Immediate Office ("IO"), HED, OPP, OCSPP, EPA. Ms. Mendez has been involved in review of most Comparative Thyroid Assays ("CTA") reviewed by EPA and is a member of the Agency's Hazard and Science Policy Council ("HASPOC"), which makes recommendations on the need to require certain studies, including

CTAs. Ms. Mendez is expected to testify to certain aspects of EPA’s registration review of DCPA, specifically the CTA data requirement, and to AMVAC’s submissions in response to that data requirement. Ms. Mendez has been involved in EPA’s registration review of DCPA in an advisory capacity, and may testify as both a fact witness and as an expert witness.

(B) Verified Written Statements Attached

Pursuant to the Presiding Official’s June 3 Order, each of the five potential witnesses listed above prepared a verified written statement to serve as their direct testimony. A copy of each written statement, including a curriculum vitae for each witness, are being filed in tandem with this Prehearing Exchange.

(C) Documents and Other Exhibits

Respondent and Petitioners conferred and stipulated that all but one of Petitioner AMVAC’s exhibits (*e.g.*, “PAX” 1 through 80, with the exception of PAX 49) filed in support of its Request for Hearing and Statement of Objections may be re-designated as joint exhibits (“JX”). The parties also conferred and agreed to jointly submit 6 additional exhibits, for a total of 86 Joint Exhibits. **Respondent’s Stipulations as to Exhibits** is being filed in tandem with this Prehearing Exchange. A **Joint Exhibit Index** will be filed by Petitioner AMVAC.

An index is provided below that identifies **Respondent’s Exhibits (“RX”)** filed in tandem with this Prehearing Exchange:

- RX 1 – Registration Review: Pesticide Dockets Opened for Review and Comment and other Docket Actions, June 29, 2011;
- RX 2 – DCPA Summary Document Registration Review: Initial Docket, June 23, 2011;

- RX 3 – Human Health Risk Assessment for Chlorthal dimethyl (DCPA) to Support New Uses on California Parsley and Other Minor Crops, July 8, 2002;
- RX 4 – Human Health Assessment Scoping Document in Support of Registration Review, May 27, 2011;
- RX 5 – DCPA Final Work Plan Registration Review, November 20, 2011;
- RX 6 – EDSP: Weight of Evidence Analysis of Potential Interaction with Estrogen, Androgen, or Thyroid Pathways, June 29, 2015;
- RX 7 – National Pesticide Survey, U.S. Environmental Protection Agency (Fall 1990);
- RX 8 – Environmental Fate and Effects Division, Electronic Document Management Policy Update, U.S. EPA (November 6, 2017);
- RX 9 – March 19, 2015, email conversation between J. Porter (AMVAC) and M. King (EPA) concerning a telephone call between the parties the same day;

(D) Official Notice

Respondent respectfully requests that the Presiding Officer take official notice, pursuant to 40 C.F.R. § 164.81(e), of the following matters:

1. DCPA (dacthal), PC Code 078701; Registration Review case, Docket No. EPA-HQ-OPP-2011-0374;
2. DCPA Reregistration Eligibility Decision (“RED”), U.S. EPA (Nov. 1998), *available at* <https://archive.epa.gov/pesticides/reregistration/web/pdf/0270red.pdf>.

Respondent is unaware of any other matters of which official notice should be taken, but reserves the right to move for official notice of matters as appropriate.

(E) Interpretation Services

Respondent does not anticipate requiring the services of an interpreter.

Respectfully submitted,

Dated: June 17, 2022

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AMVAC Chemical Corporation; Grower-Shipper Association of Central California; Sunheaven Farms, LLC; J&D Produce; Ratto Bros., Inc.; and Huntington Farms, Petitioners.
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Respondent’s Prehearing Exchange**, dated June 17, 2022, and the accompanying **Respondent’s Exhibits** were sent this day to the following parties in the manner indicated below.

Forrest Pittman
Attorney Advisor

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
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Copy by Electronic Mail to:

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Dated June 17, 2022