



**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**

**ORDER ON MOTIONS FOR EXTENSIONS OF TIME**

Petitioners commenced this action on May 27, 2022 when they objected to the U.S. Environmental Protection Agency’s (“EPA” or “the Agency”) proposal to suspend registration of the pesticide dimethyl tetrachloroterephthalate and requested a hearing on the matter. *See* Notice of Intent to Suspend Dimethyl Tetrachloroterephthalate (DCPA) Technical Registration, 87 Fed. Reg. 25262 (April 28, 2022); Objection and Request for Hearing by Grower-Shipper Association of Central California, Sunheaven Farms, LLC, J&D Produce, Ratto Bros. Inc., and Huntington Farms (May 27, 2022); Request for Hearing and Statement of Objections by AMVAC Chemical Corporation (May 27, 2022).<sup>1</sup>

On June 3, 2022, I issued an Order Scheduling Hearing and Prehearing Procedures (“Prehearing Order”) that set an expedited schedule for this proceeding, which under Section 3(c)(2)(B)(iv) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136a(c)(2)(B)(iv), must be completed within 75 days after a hearing is requested. Among other deadlines, the Prehearing Order required that motions for leave to file an amicus curiae brief, together with the brief, be submitted by June 13, 2022, and that the parties exchange and file their primary prehearing discovery documents by June 17, 2022. Prehearing Order at 2, 3.

On June 10, 2022, Petitioner AMVAC Chemical Corporation filed a Motion for Extension of Time for Primary Discovery (“Motion for Discovery Extension”), seeking to extend the prehearing exchange deadline to June 17, 2022, and a Motion for Extension of Time for Amicus Filings (“Motion for Amicus Extension”), seeking to extend the time for filing amicus

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<sup>1</sup> According to EPA, “AMVAC is the only current registrant of pesticide products containing DCPA.” Memorandum in Support of Respondent’s Motion for Accelerated Decision at 10 (June 13, 2022) (“AD Memo”). The Agency asserts the proposed suspension arises from AMVAC’s failure to fully comply with a Data Call-In Notice issued in connection with a registration review of DCPA initiated on June 29, 2011, almost eleven years ago. AD Memo at 10-11.

briefs to June 21, 2022. AMVAC asserts that good cause exists to delay the filing of prehearing exchanges to “permit the parties to confer regarding potential stipulations, thus potentially narrowing the scope of the hearing.” Mot. for Discovery Extension at 1. The company further argues that good cause exists to extend the amicus deadline “so that a potential amicus can evaluate and assess the substance of Respondent’s dispositive motion and determine whether its participation might benefit the tribunal.”<sup>2</sup> Mot. for Amicus Extension at 1.

On June 13, 2022, the deadline for amicus filings, CropLife America, which is not a party to this action, also filed a Motion for Extension of Time for Amicus Filings seeking the same extension that AMVAC requested and citing the same grounds.<sup>3</sup>

The Agency did not file any response to these motions, and its deadline for doing so has expired.

The rules governing this proceeding at 40 C.F.R. Part 164 empower me to “take actions and decisions in conformity with statute or in the interests of justice,” and at my discretion I may extend deadlines for cause shown. 40 C.F.R. §§ 164.6(b), 164.40(d).

In this case, no good cause has been shown for extending the deadlines as requested by the movants, particularly when considering the narrow scope of the proceeding and the timeframe within which FIFRA requires that it be completed. Timely compliance with the prehearing exchange process should not inhibit any stipulations between the parties, and in fact, agreeing to certain points of fact and law could lessen the amount of material that must be exchanged. As for the amicus deadline, CropLife America or any other person could have sought leave to file a brief by the deadline set forth in the Prehearing Order, but they did not do so. Neither AMVAC nor CropLife have shown that it is necessary for a non-party to respond to specific arguments in a dispositive motion filed by EPA.

Accordingly, all three pending motions for extension of time are **DENIED**.

**SO ORDERED.**



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Susan L. Biro  
Chief Administrative Law Judge

Dated: June 15, 2022  
Washington, D.C.

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<sup>2</sup> EPA filed its Motion for Accelerated Decision on June 13, 2022. The Petitioners’ response is due June 21, 2022.


<sup>3</sup> In its motion, CropLife America describes itself as “the national trade association for the plant science industry, representing developers, manufacturers, formulators, and distributors of pesticides and plant science solutions for agriculture and pest management.”

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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

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order on Motions for Extensions of Time**, dated June 15, 2022, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.

  
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Office of Administrative Law Judges  
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Dated: June 15, 2022  
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