

EXHIBIT 1

Declaration of Stephanie H. Stephens

I, Stephanie H. Stephens, declare as follows:

1. I am currently a Principal Scientist at Exponent, Inc. (Exponent). I have worked on pesticide registration issues for consulting companies, pesticide industry, and the United States Department of Agriculture, Animal and Plant Health Inspection Service for 30 years. I am familiar with the facts set forth in this declaration and, if called as a witness, could and would testify competently to these facts under oath.

2. I am making this declaration on behalf of Petitioner Gharda Chemicals International, Inc. (Gharda) in support of Petitioners' Reply in Support of Petitioners' Motion for A Partial Stay Pending Review. I have reviewed Respondents' Opposition to Petitioners' Motion for A Partial Stay Pending Review, in which the U.S. Environmental Protection Agency (EPA) states that "Gharda is not without a remedy. . . . Gharda and the other registrants may at any time request voluntary cancellation or modification of its registrations and petition EPA to establish new tolerances." Resp. at 17. In my decades of experience

with pesticide registration issues, it is my opinion that this is not a viable remedy.

3. On behalf of Gharda, throughout 2021 and through January 2022, I attended numerous discussions between Gharda and personnel from EPA's Office of Pesticide Programs, Pesticide Re-Evaluation Division (EPA OPP PRD). Leading up to EPA's August 2021 Final Rule revoking all tolerances for chlorpyrifos (Final Rule), these discussions focused on a possible voluntary cancellation of selected chlorpyrifos uses and associated tolerances with retention of other crop uses and associated tolerances.

4. After EPA's Final Rule, PRD proposed to Gharda that Gharda could submit an application for new food use(s) and associated tolerance(s). The applicable registration package(s) would be prepared and submitted to EPA's Registration Division (RD), which is responsible for pesticides that are considered conventional chemicals, and would be subject to the fees and timing under the current fee-for-service provisions for pesticide registrations under the Pesticide Registration Improvement Extension Act of 2018 (PRIA 4).¹ I believe this is the

¹ <https://www.epa.gov/pria-fees>.

regulatory “remedy” EPA’s brief is referring to when it states that “Gharda . . . may at any time request voluntary cancellation or modification of its registrations and petition EPA to establish new tolerances.” Resp. at 17.

5. In my experience, if Gharda were to submit an application for registration of food uses and associated tolerances while existing food uses and tolerances remained on the label (*i.e.*, before EPA revoked all tolerances and cancelled all food uses), it would take approximately 16 months from the time of submission of the application until possible EPA approval. EPA’s fees for retaining U.S. food uses and associated tolerances would be approximately \$525,000.

6. If Gharda were to submit applications for registration of new food uses and associated tolerances after EPA revoked all tolerances and cancelled all food uses, it would take approximately 38 months from the time of submission of the applications until possible EPA approval. EPA’s fees for reestablishing U.S. food uses and associated tolerances would be approximately \$875,000.

7. EPA’s proposed path forward, whether done in advance of the cancellation of all food uses and associated tolerances or after all

food uses and associated tolerances are canceled, is not a viable remedy because of the significant timing and associated costs.

I, Stephanie H. Stephens, declare that the forgoing statements are true and correct to the best of my knowledge.

Dated: February 21, 2022

Stephanie H. Stephens
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