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 ;)	Docket No. FIFRA-HQ-2022-0002
Grower-Shipper Association of Central)	
California; Sunheaven Farms, LLC; J&D)	
Produce; Ratto Bros., Inc.; and Huntington)	
Farms,)	
Petitioners.)	

RESPONDENT'S MOTION FOR LEAVE TO FILE OUT OF TIME

I, the undersigned counsel for Respondent, the United States Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Office of Pesticide Programs ("OPP"), respectfully request leave to file Respondent's Post-Hearing Brief outside of the time provided by the Presiding Officer's March 17, 2023 Post-Hearing Scheduling Order ("Order"). The Order provided that post-hearing briefs must be filed by April 7, 2022. Counsel filed the above-described brief at 12:15 a.m. on April 8, 2022. The brief is again attached to this motion.

The delay in filing was inadvertent, but was due to a mistake within the control of undersigned counsel. Counsel accepts full responsibility for this delay and apologizes to the Presiding Officer and Petitioners. Given the length of the delay was 15 minutes, the low likelihood of potential impact on this proceeding, and the low danger of prejudice to Petitioners, counsel comes before the Presiding Officer and Petitioners in good faith seeking to redress his mistake.

Pursuant to the Office of Administrative Law Judges Practice Manual, counsel has contacted Petitioners to inquire whether they would oppose this motion. Because the late filing occurred over a weekend, and pursuant to undersigned counsel's intent to file this motion with the Presiding Officer as soon as possible, this motion is filed prior to counsel receiving a response from either Petitioner.

Respectfully submitted,

Dated: April 8, 2023

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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; Sunheaven Farms, LLC; J&D Produce; Ratto Bros., Inc.; and Huntington Farms, Petitioners. Docket No. FIFRA-HO-2022-0002

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Respondent's Motion for Leave to File Out of Time,

dated April 8, 2023, was 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 Washington, DC 20004

Copy by Electronic Mail to:

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Dated April 8, 2023