

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

**In re FIFRA Section 6(b) Notice of Intent
to Cancel Pesticide Registrations for
Chlorpyrifos Products**)
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)
)
**Gharda Chemicals International, Inc., and
Red River Valley Sugarbeet Growers
Association, et al.,**)
)
)
Petitioners.)
)
_____)

Docket No. FIFRA-HQ-2023-0001

PETITIONERS’ REBUTTAL PREHEARING EXCHANGE

Gharda Chemicals International, Inc. (“Gharda”) and Red River Valley Sugarbeet Growers Association, U.S. Beet Sugar Association, American Sugarbeet Growers Association, Southern Minnesota Beet Sugar Cooperative, American Crystal Sugar Company, Minn-Dak Farmers Cooperative, American Farm Bureau Federation, American Soybean Association, Iowa Soybean Association, Minnesota Soybean Growers Association, Missouri Soybean Association, Nebraska Soybean Association, South Dakota Soybean Association, North Dakota Soybean Growers Association, National Association of Wheat Growers, Cherry Marketing Institute, Florida Fruit and Vegetable Association, and Georgia Fruit and Vegetable Growers Association, and National Cotton Council of America (“Growers” and together with Gharda, “Petitioners”), pursuant to 40 C.F.R. § 164.50(b) and the Order Scheduling Hearing and Prehearing Procedures entered in this matter on June 5, 2023 (the “Prehearing Order”), hereby submit this Rebuttal Prehearing Exchange.

Petitioners reserve the right to move to amend or supplement this Prehearing Exchange as provided by 40 C.F.R. § 164.50(b). For example, Petitioners intend to seek leave to conduct

discovery of EPA regarding several issues including, but not limited to, EPA's failure to conduct an analysis of the impacts of chlorpyrifos registration cancellation on production and prices of agricultural commodities, retail food prices and otherwise on the agricultural economy as required by the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), EPA's failure to provide the Secretary of Agriculture with the analysis of such impacts as required by FIFRA, EPA's failure to sufficiently consult with the U.S. Department of Agriculture ("USDA") regarding the NOIC as required by FIFRA, communications between EPA and USDA regarding the NOIC, EPA's failure to consider lesser alternatives to cancellation with respect to chlorpyrifos as required by FIFRA, and EPA's decision to revoke all food use tolerances for chlorpyrifos despite the commitments of Petitioner Gharda to voluntarily cancel food uses other than for the Safe Uses as determined by EPA in its 2020 PID. Petitioners also intend to conduct similar discovery of USDA. Petitioners will amend their Pre-Hearing Exchange as necessary consistent with the results of this discovery.

The heading numbers below correspond to those set forth in the Prehearing Order.

A. **List of Potential Witnesses**

Petitioners do not intend to call any additional witnesses in rebuttal at the evidentiary hearing in this matter.

B. **Verified Written Statements**

Petitioners do not submit any additional verified written statements in rebuttal.

C. **Exhibits to be Introduced into Evidence by Petitioners**

Petitioners do not intend to introduce any additional exhibits in rebuttal.

D. **Official Notice**

There are currently no matters as to which Petitioners request that official notice be taken.

E. **Interpretation Services**

Petitioners do not require interpretative services.

F. **Scientific Questions, Referral to Committee**

Petitioners do not anticipate requesting that any questions of scientific fact be referred to a committee designated by the National Academy of Sciences pursuant to 7 U.S.C. § 136d(d) and 40 C.F.R. § 164.50(e).

This 4th day of August, 2023,

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Soybean Growers Association, Missouri Soybean
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Dakota Soybean Association, North Dakota Soybean
Growers Association, National Association of Wheat
Growers, Cherry Marketing Institute, Florida Fruit and*

*Vegetable Association, and Georgia Fruit and Vegetable
Growers Association, and National Cotton Council of
America*

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, true and correct copies of the foregoing Petitioners' Rebuttal Prehearing Exchange was filed electronically with the EPA OALJ E-Filing System for the OALJ's E-Docket Database, with a copy via electronic mail to the following:

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