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.)

MOTION FOR EXTENSION OF TIME FOR AMICUS FILINGS

Pursuant to the provisions of 40 C.F.R. § 164.60 and § 164.31 of the Rules of Practice Governing Hearings, under [FIFRA], Arising from Refusals to Register, Cancellations of Registrations, Changes of Classifications, Suspensions of Registrations and Other Hearings Called Pursuant to Section 6 of the Act, 40 C.F.R. Part 164, CropLife America moves for an extension of time for filing amicus briefs in this matter until June 21, 2022 – the deadline for the Petitioners to file responses to the Respondent's dispositive motion. ¹

CropLife America, established in 1933, is 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. CropLife America's member companies produce, sell, and distribute pesticide products, including herbicides, insecticides, and fungicides, which farmers use to provide consumers with abundant food and fiber. CropLife America is committed to safe and responsible use of the industry's products and its members are intimately familiar with the comprehensive regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136 et seq.

Based on its review of the Notice of Intent to Suspend and the AMVAC Chemical Corporation's Request for a Hearing and Objections, CropLife America may seek to file an amicus brief in this matter depending on the legal positions asserted by Respondent in its dispositive filing as the matter may be of significance to the plant science industry. However the current Order Scheduling Hearing and Prehearing Procedures entered in this matter on June 3, 2022 (the "Scheduling Order") states that any potential *amici curiae* must file a motion for leave

¹ The Scheduling Order states that responses to dispositive motions are to be filed seven calendar days after the motion. Assuming Respondent's dispositive motion is filed on June 13, 2022, CropLife America understands that Petitioners' response is due on June 21, 2022, by operation of 40 C.F.R. § 164.6(a) (as the seventh day falls on June 20, 2022, a federal holiday).

to file an amicus brief, together with the proposed brief, no later than June 13, 2022, which is also the deadline for Respondent to file a dispositive motion.

CropLife America seeks an extension of the deadline until the same date as Petitioners' responses are due to Respondent's dispositive motion – June 21, 2022. Such an extension would allow CropLife America and other potential amici to review the legal position(s) asserted by Respondent in its dispositive motion and, if appropriate, to address those positions in a focused manner. Such a focused response would be of greater value to this tribunal than a more general response. Moreover, the extension should not cause a delay in the hearing schedule.

Good cause exists to extend the deadline to file a motion for leave to file an *amicus* curiae brief together with the brief until June 21, 2022 so that CropLife America and other potential amici can evaluate and assess the substance of Respondent's dispositive motion and determine whether amicus participation would benefit this tribunal and tailor a potential submission to Respondent's motion.

CropLife America has contacted the parties in this proceeding. and none of the parties oppose the motion at this time.

Respondent EPA states that it takes no position on the relief sought at this time but reserves its right to oppose this motion.

Petitioners Grower-Shipper Association of Central California; Sunheaven Farms, LLC; J&D Produce; Ratto Bros., Inc.; and Huntington Farms (collectively, "Grower Petitioners") consent to the relief sought in this motion.

Petitioner AMVAC also consents to the relief sought in this motion, which is consistent with its Motion of June 10, 2022.

Wherefore, CropLife America moves that the deadline for filing motions for leave to file an *amicus curiae* brief together with the brief, be extended to June 21, 2022, the same date that Petitioners' response to the dispositive motion filed by Respondent is due.

Date: June 13, 2022 Respectfully Submitted,

/s/ Sara Beth Watson
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion for Extension of Time for Amicus Filings**, dated June 13, 2022, was served on the following parties as indicated below.

/s/ Sara Beth Watson
Sara Beth Watson

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