



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

In the Matter of:)
)
Bayer CropScience LP and) **FIFRA-HQ-2016-0001**
Nichino America, Inc.,)
)
Petitioners.)

ORDER ON MOTION TO FILE AN AMICUS BRIEF

On April 11, 2016, CropLife America (“CropLife”), which describes itself as “the national not-for-profit trade association representing the companies that develop, manufacture, formulate and distribute crop protection chemicals and plant science solutions for agriculture and pest management[,]” filed a motion requesting leave to file an *amicus curiae* brief. Croplife Motion at 1. The procedural rules governing this case provide that “[p]ersons not parties to the proceedings wishing to file briefs may do so by leave of the Administrative Law Judge granted on motion.” 40 C.F.R. § 164.31(d). That motion must “identify the interest of the applicant and . . . state the reasons why the proposed amicus brief is desirable.” *Id.*

CropLife’s motion argues that “EPA is attempting to short-circuit the carefully designed process set forth in FIFRA Section 6(b), 7 U.S.C. § 136d(b), which Congress specifically intended the Agency to follow in instances where EPA concludes that a pesticide no longer meets the FIFRA Registration Standard.” Croplife Motion at 4. CropLife therefore asserts that it has an interest in this proceeding because allowing the proposed cancellation under this Section 6(e) procedure “would have significant immediate and long-term negative implications for CropLife’s member companies and for agriculture generally.” *Id.* at 5.

My April 4, 2016 Order Scheduling Hearing and Prehearing Procedures (“Prehearing Order”) set a deadline of April 15, 2016 for the filing of *amicus curiae* briefs, and stated that leave to intervene would be freely granted until that date. CropLife’s motion, having been filed before the deadline and containing a reasonable statement of interest in this proceeding, is therefore **GRANTED**.

As my Prehearing Order did not set a date by which parties are to respond to *amicus curiae* submissions, I will hereby order that responses to *amicus* briefs filed on or before April 15, 2016 shall be due on or before **April 22, 2016**.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: April 11, 2016
Washington, D.C.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Leave to File an Amicus Brief** was issued by Chief Administrative Law Judge Susan L. Biro dated April 11, 2016, was served this day in the following manner to the addressees listed below:



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