

**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.)	

**MOTION FOR EXTENSION OF TIME
FOR AMICUS FILINGS**

Pursuant to the provisions of 40 C.F.R. § 164.60 within 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, Petitioner AMVAC Chemical Corporation (“AMVAC”), moves for an extension of time for filing amicus briefs in this proceeding.

The Order Scheduling Hearing and Prehearing Procedures entered in this matter on June 3, 2022 (the “Scheduling Order”) currently provides that any potential *amici curiae* must file a motion for leave to file an amicus brief, together with the proposed brief, no later than June 13, 2022. June 13, 2022, is also the deadline for Respondent to file a dispositive motion. Counsel for Respondent confirmed today to counsel for AMVAC that Respondent intends to file a dispositive motion on June 13, 2022.

AMVAC is aware of an organization that may wish to file an amicus brief depending on the legal position(s) asserted by Respondent in its dispositive motion. The current schedule does not allow a potential amicus to review Respondent’s dispositive motion prior to deciding whether to draft a brief and seek leave to file it, or to respond to legal arguments raised in Respondent’s brief. Good cause exists to extend the time for an amicus filing so that a potential amicus can evaluate and assess the substance of Respondent’s dispositive motion and determine whether its participation might benefit the tribunal.

AMVAC requests that the deadline for filing amicus briefs be reset from June 13, 2022, to the same date that AMVAC’s response to a dispositive motion filed by Respondent would be due.¹ AMVAC is not requesting any delay of the hearing in connection with this motion.

¹ The Scheduling Order requires responses to dispositive motions to be filed seven calendar days after the motion. Assuming Respondent’s dispositive motion is filed on June 13, 2022, AMVAC understands that the deadline for a response would be 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).

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

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

WHEREFORE, AMVAC moves that the deadline for filing motions for leave to file amicus briefs, and the proposed briefs, be reset from June 13, 2022, to the same date that AMVAC’s response to a dispositive motion filed by Respondent would be due.

Date: June 10, 2022

Respectfully Submitted,

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Counsel for AMVAC Chemical Corp.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion for Extension of Time for Amicus Filings**, dated June 10, 2022, was served on the following parties as indicated below.

/s/ Hume M. Ross

Hume M. Ross

Copy by OALJ E-Filing System to:

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