

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

<b>In re FIFRA Section 3(c)(2)(B) Notice of Intent to Suspend Dimethyl Tetrachloroterephthalate (DCPA) Technical Registration</b>	)	
	)	
<b>AMVAC Chemical Corporation;</b>	)	<b>Docket No. FIFRA-HQ-2022-0002</b>
<b>Grower-Shipper Association of Central</b>	)	
<b>California; Sunheaven Farms, LLC; J&amp;D</b>	)	
<b>Produce; Ratto Bros., Inc.; and Huntington</b>	)	
<b>Farms,</b>	)	
<b>Petitioners.</b>	)	

**MOTION FOR EXTENSION OF TIME  
FOR PRIMARY DISCOVERY**

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 a one week extension of time for primary discovery in this proceeding.

The Order Scheduling Hearing and Prehearing Procedures entered in this matter on June 3, 2022 (the “Scheduling Order”) provides that the parties are to exchange specified primary discovery on or before June 17, 2022 (the “Prehearing Exchange”). Scheduling Order at 3.

Due to the statutory time limit within which a hearing must be held, and a determination reached, in this matter, *see* 7 U.S.C. § 136(c)(2)(B)(iv), the Scheduling Order necessarily sets out an expedited schedule for the events that must happen in advance of the hearing, currently set to begin on July 6, 2022. The Scheduling Order presently requires the parties to draft and respond to dispositive motions during the days leading up to (and the day of) the Prehearing Exchange.<sup>1</sup> AMVAC submits that good cause exists to delay the Prehearing Exchange by one week, until June 24, 2022. Doing so will permit extra time for the parties to confer regarding potential stipulations, thus potentially narrowing the scope of the hearing. AMVAC is not requesting any delay of the hearing in connection with this motion, in fact, granting this motion could result in the hearing concluding sooner than it otherwise would.

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 grant of the relief sought in this motion.

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<sup>1</sup> Counsel for Respondent confirmed today to counsel for AMVAC that Respondent intends to file a dispositive motion on June 13, 2022, which AMVAC intends to oppose.

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 primary discovery, as set forth on page 3 of the Scheduling Order in this matter, be re-set from June 17, 2022, to June 24, 2022.

Date: June 10, 2022

Respectfully Submitted,

/s/ Hume M. Ross

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*Counsel for AMVAC Chemical Corp.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Motion for Extension of Time for Primary Discovery**, 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:

Mary Angeles  
Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
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Copies by Electronic Mail to:

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