Section 3(c)(2)(B) Federal Insecticide, Fungicide, and Rodenticide Act Notice of Intent to Suspend DCPA Technical Registration: U.S. Environmental Protection Agency Environmental Appeals Board Challenge Filed

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

07/26/2022

Several organizations filed a July 21st Notice of Exceptions and Appeal Brief ("Notice") before the United States Environmental Protection Agency ("EPA") Environmental Appeals Board ("EAB") addressing:

Federal Insecticide, Fungicide, and Rodenticide Act Section 3(c)(2)(B) Notice of Intent to Suspend Dimethyl Tetrachloroterephthalate (DCPA) Technical Registration ("NOI")

See Docket No. FIFRA-HQ-2022-0002.

The NOI was filed by the following organizations:

- Grower-Shipper Association of Central California
- J&D Produce
- Ratto Bros., Inc.
- Huntington Farms

(Collectively, "Petitioners")

The NOI asks that the EAB:

. . . review and reverse the July 1, 2022, Order on Respondent's Motion for Accelerated Decision concerning disposition of existing stocks of Dimethyl Tetrachloroterephthalate ("DCPA") ((EPA Reg. No. 5481-495) issued by the Office of Administrative Law Judges in the above-captioned case, FIFRA-HQ-2022-0002, Dkt. No. 28 (the "Order") concerning the Notice of Intent to Suspend [DCPA] Technical Registration, 87 Fed. Reg. 25262 (Apr. 28, 2022) (the "NOITS").

The Petitioners incorporate the statement of facts and procedural background concerning the pesticide DCPA set forth in the Notice of Exceptions and appeal brief submitted of AMVAC Chemical Corporation. A link to that document can be found here.

The Petitioners' brief initially provides:

- Factual and Procedural Background

- Legal Framework Concerning Existing Stocks
- EPA's Determination Concerning Existing Stocks of DCPA

Petitioners' arguments for reversal of EPA's decision in regard to existing stocks include:

- The Existing Stocks Determination is Inconsistent with FIFRA and EPA Policy
- The Existing Stocks Provision is Improperly Based on "Risk Concerns"
- The Existing Stocks Provision for DCPA is Irrational and Unreasonable

A copy of the Petitioners' Brief can be downloaded here.