

RED RIVER VALLEY SUGARBEET
GROWERS ASSOCIATION, ET AL.

Petitioners,

v.

MICHAEL S. REGAN, Administrator,
U.S. Environmental Protection Agency,
ET AL.,

Respondents.

No. 22-1422

Stipulated Motion to Consolidate Petitions for Review and to Establish a Consolidated Briefing Schedule

Pursuant to Fed. R. App. P. 27, Petitioners and Respondents (collectively, “the Parties”) respectfully move this Court, by stipulation, for an order consolidating the Petition for Review filed in the above-captioned action with the Petition for Review filed in Case No. 22-1530. The Parties also move the Court to establish a briefing schedule for the consolidated matter.

On August 30, 2021, the U.S. Environmental Protection Agency (“EPA”) published a final rule revoking all tolerances for the pesticide chlorpyrifos. Chlorpyrifos; Tolerance Revocations, 86 Fed. Reg. 48,315 (Aug. 30, 2021) (the “Final Rule”). On February 28, 2022, EPA published in the Federal Register “Chlorpyrifos; Final Order Denying Objections, Requests for Hearings, and Requests for a Stay of the August 2021 Tolerance Final Rule,” 87 Fed. Reg. 11,222 (Feb. 28, 2022) (“Denial Order”).

The Petition in Case No. 22-1422, like the Petition in Case No. 22-1530, challenges both the Final Rule and the Denial Order.

Given that the Petitions for Review involve identical parties and challenge the same Final Rule and Denial Order, Petitioners and Respondents respectfully request that the Court consolidate the two Petitions. *See, e.g., Gomez-Gutierrez v. Lynch*, 811 F.3d 1053, 1057 (8th Cir. 2016) (consolidating petitions for review); *Lasu v. Barr*, 970 F.3d 960, 964–65 (8th Cir. 2020) (same). Consolidation will

serve the interests of efficiency and judicial economy, avoid duplicative proceedings, and conserve party and Court resources.

Petitioners and Respondents also move the Court to establish the following briefing schedule for the consolidated matter:

Petitioners' Opening Brief due:	May 18, 2022
Respondents' Response Brief due:	July 22, 2022
Petitioners' Reply Brief due:	September 2, 2022

Counsel for the Parties state that good cause exists for this consolidated briefing schedule, which extends the current deadlines. Specifically, both Petitioners and Respondents require additional time as a result of pending deadlines in other matters and the necessity for additional time to coordinate client review and approval of these briefs before filing. Respondents reserve the right to request additional time for their Response Brief after reviewing Petitioners' Opening Brief.

Respectfully submitted
this 21st day of April, 2022,

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CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f) this document contains 337 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

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