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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In re Notice of Intent to Cancel
Registrations for 2,4,5-T and
Silvex

Docket No. 438

MOTION OF THE DOW CHEMICAL COMPANY
FOR REFERENCE OF CANCELLATION
PROCEEDINGS TO ADMINISTRATIVE LAW JUDGE

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Counsel for The Dow Chemical
Company

April 23, 1979

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In re Notice of Intent to Cancel
Registrations for 2,4,5-T and
Silvex

)
) Docket No. 438
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)

MOTION OF THE DOW CHEMICAL COMPANY
FOR REFERENCE OF CANCELLATION
PROCEEDINGS TO ADMINISTRATIVE LAW JUDGE

On March 15, 1979, the Administrator's notices of intent to cancel certain registrations of 2,4,5-T and silvex appeared in the Federal Register. As a registrant for both 2,4,5-T and silvex, The Dow Chemical Company (Dow) filed on April 9, 1979 its request for a cancellation hearing and objections, with respect to each and every registration and use subject to the notices of intent to cancel.

The agency's rules provide that upon the filing of such objections, the cancellation proceeding must be referred by the Hearing Clerk to the Chief Administrative Law Judge, who must then refer the proceeding to himself or to another Administrative Law Judge. 40 C.F.R. § 164.20(c). Dow therefore moves the Chief Administrative Law Judge to refer the above-captioned cancellation proceedings to himself or to another Administrative Law Judge as promptly as possible.

Dow is also filing today its motion for the convening of a prehearing conference in these cancellation hearings within

ten days. As set forth more fully in that motion, it is essential that the cancellation process begin forthwith if a final decision is to be reached before the onset of the 1980 spraying season. For that reason, Dow urges that the assignment of these proceedings to an Administrative Law Judge occur immediately, in order to allow a thorough and expeditious consideration of the issues in full cancellation hearings.

Respectfully submitted,

Edward W. Warren

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April 23, 1979

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Motion of The Dow Chemical Company for Reference of Cancellation Proceedings to Administrative Law Judge were mailed first class postage prepaid or hand delivered to the persons on the attached list on April 23, 1979.



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Richmond, California 94804

Universal Cooperatives, Inc.
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Southern Mill Creek
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