UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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| In the Matter of: | ) | |
| | ) | |
| Reckitt Benckiser LLC, et al. | ) | FIFRA Docket No. 661 |
| | ) | |
| EPA Reg. Nos. 3282-3, 3282-4, 3282-9, 3282-15, 3282-65, 3282-66, 3282-74, 3282-81, 3282-85, 3282-86, 3282-87, and 3282-88 | ) | |

**RESPONDENT'S REPLY TO MOTION OF THE AMERICAN CHEMISTRY COUNCIL BIOCIDES PANEL TO FILE AN AMICUS BRIEF IN SUPPORT OF RECKITT BENCKISER'S MOTION FOR AN EXPEDITED DETERMINATION ON EXISTING STOCKS**

Earlier today, the American Chemistry Council Biocides Panel ("Panel") filed a motion for permission to file an *amicus* brief in support of Reckitt Benckiser's ("Reckitt") April 12, 2013 Motion for an Expedited Determination that EPA's Existing Stocks Decision is Within the Scope of the Hearing. As part of its motion, Panel included the brief it would like the Administrative Law Judge (ALJ) to consider. Panel also accurately reported to the ALJ that counsel for Panel had contacted counsel for Respondent, and that Respondent informed Panel it would oppose Panel's filing.

Subsequent to the conversation between counsel for Panel and Respondent, the ALJ issued an Order (dated today, May 22, 2013) allowing another round of briefing related to Reckitt's April 12, 2013 Motion. In light of this Order, Respondent withdraws any opposition to

Panel's motion to file an *amicus* brief, provided that Respondent is provided an opportunity to file a response to that brief. Respondent contacted counsel for Panel, Reckitt, and Do it Best Corp., Louisville Apartment Association, and Greater Cincinnati Northern Kentucky Apartment Association, and they each indicated that they do not oppose a timely response brief from Respondent.

Respectfully submitted,

May 22, 2013
Date

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## CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of "Respondent's Reply to Motion of the American Chemistry Council Biocides Panel to File an Amicus Brief in Support of Reckitt Benckiser's Motion for an Expedited Determination on Existing Stocks" were filed with the Headquarters Hearing Clerk, and a copy hand delivered to the office of:

The Honorable Susan L. Biro
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1300 Pennsylvania Ave., N.W.
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I further certify that true and correct copies were sent by first class mail and e-mail to:

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