

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AMA PPRCIA Docket No. 05-0001
)
Mark McDowell, Jim Joens,)
Richard Smith, and the Campaign)
for Family Farms, including Iowa)
Citizens for Community)
Improvement, Land Stewardship)
Project, Missouri Rural Crisis)
Center, Illinois Stewardship)
Alliance, and Citizens Action)
Coalition of Indiana on behalf of)
their pork checkoff-paying hog)
farmer members,)
)
Petitioners) **Ruling Granting U.S. EPA's Motion
For Leave To File An Amicus Brief**

On November 30, 2006, the United States Environmental Protection Agency [hereinafter U.S. EPA] filed a Motion For Leave To File An Amicus Brief. Section 900.57 of the rules of practice governing this proceeding provides that any person (other than the petitioner) showing a substantial interest in the outcome of a proceeding shall be permitted to intervene, as follows:

§ 900.57 Intervention.

Intervention in proceedings subject to this subpart shall not be allowed, except that, in the discretion of the Secretary or the judge, any person (other than the petitioner) showing a substantial interest in the

outcome of a proceeding shall be permitted to participate in the oral argument and to file a brief.

7 C.F.R. § 900.57. U.S. EPA asserts it has a substantial interest in the outcome of the instant proceeding.

On November 30, 2006, the Administrator, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Respondent], filed a response to U.S. EPA's Motion For Leave To File An Amicus Brief stating Respondent supports U.S. EPA's Motion For Leave To File An Amicus Brief and agrees that U.S. EPA has a substantial interest in the outcome of the instant proceeding. On December 1, 2006, Petitioners filed a response to U.S. EPA's Motion For Leave To File An Amicus Brief stating Petitioners do not oppose U.S. EPA's Motion For Leave To File An Amicus Brief.

I find U.S. EPA has shown a substantial interest in the outcome of the instant proceeding. Therefore, I grant U.S. EPA's Motion For Leave To File An Amicus Brief. U.S. EPA may file an amicus brief no later than December 15, 2006.¹

Done at Washington, DC

December 5, 2006

William G. Jenson
Judicial Officer

¹The Hearing Clerk's office receives documents from 8:30 a.m. to 4:30 p.m. To ensure timely filing, U.S. EPA must ensure that its amicus brief is received by the Hearing Clerk no later than 4:30 p.m., December 15, 2006.