
40 C.F.R. § 164.50

Prehearing conference and primary discovery.

(a) *Purpose of the prehearing conference.* Except as otherwise provided in paragraph (d) of this section, the Administrative Law Judge shall, prior to the commencement of the hearing and for the purpose of expediting the hearing, file with the hearing clerk an order for a prehearing conference. More than one such conference may be held. Such order or orders shall direct the parties or their counsel to appear at a specified time and place to consider:

- (1) The simplification of issues including listing of specific uses to be contested;
- (2) The necessity or desirability of amendments to the objections or statement of issues, or any document filed in response thereto;
- (3) The possibility of obtaining stipulations of fact and documents which will avoid unnecessary delay;
- (4) Matters of which official notice may be taken;
- (5) The limitation of the number of expert and other witnesses;
- (6) Procedure at the hearing except as so provided in § 164.80(a);
- (7) The use of verified written statements in lieu of oral direct testimony;
- (8) The intent of any party to request a scientific advisory committee as defined in § 164.2(f);
- (9) The issuance of subpoenas and subpoenas duces tecum for discovery and hearing purposes;
- (10) A setting of a time and place for the public hearing, after giving careful consideration to the convenience of all the parties, the witnesses, the public interest and the necessity for notice in the Federal Register as provided by § 164.8; and

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