

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION II

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II

2009 APR 13 PM 3:07

REGIONAL HEARING
OFFICE

In the Matter of:)
)
Anabec, Inc.,)
)
Respondent.)
)
Proceeding under the Federal Insecticide,)
Fungicide and Rodenticide Act, as amended.)

Docket No. FIFRA-02-2009-5201

Hon. Barbara A. Gunning,
Presiding Officer

Respondent's Clarification Statement Pursuant to Order Seeking Clarification and Directing Settlement Conference

In her Order Seeking Clarification and Directing Settlement Conference, issued March 23, 2009, the Administrative Law Judge directed Respondent, Anabec, Inc., to "clarify its position as to whether a hearing before an Administrative Law Judge is requested." *Id.*, p. 2.

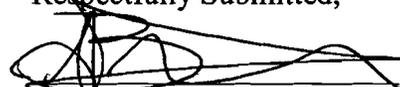
As detailed in Complainant's Status Report filed April 9, 2009, Respondent is currently in ongoing discussions with counsel for Complaint aimed at negotiating a mutually agreeable settlement in this matter. Respondent hopes that such settlement will be forthcoming shortly.

Nonetheless, Respondent hereby requests a hearing on this matter as provided by 40 C.F.R. § 22.21(b) in order to preserve its right to a hearing should settlement not be achieved.

Respondent further requests that these proceedings be stayed, consistent with the March 23, 2009, Order, to allow the parties to continue substantive discussions aimed at reaching a mutually agreeable settlement.

However, if the parties are not able to reach a mutually agreeable settlement in this matter, Respondent expressly reserves the right to file an Answer to the Complaint and Notice of Opportunity for Hearing in compliance with 40 C.F.R. § 22.15(b).

Respectfully Submitted,



David G. Sarvadi
Amy L. Blackwood

CERTIFICATE OF SERVICE

I, Amy L. Blackwood, hereby certify that on April 10, 2009, I served copies of Respondent's Clarification Statement Pursuant to Order Seeking Clarification and Directing Settlement Conference on the following persons via first class mail:

The Honorable Barbara A. Gunning
Administrative Law Judge
Office of Administrative Law Judges
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