



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Chief

January 23, 2004

Administrative Law Judge

Rupert E. Thomas, Esquire
Assistant Regional Counsel
U.S. EPA
901 North 5th Street
Kansas City, KS 66101

Re: FRM Chem, Inc., a.k.a. Industrial Specialties
Docket No. FIFRA-07-2004-0041

Dear Mr. Thomas:

This Office offers an Alternative Dispute Resolution (ADR) process to facilitate the settlement of adjudicative cases. Please advise me by **February 6, 2004**, whether you would like to participate in ADR in connection with the above cited case. The ADR process will be conducted pursuant to the Dispute Resolution Act of 1990, 5 U.S.C. Secs. 571-583, by a Judge of this Office serving as a neutral. The process will be entirely voluntary and completely confidential; both these points, together with general procedures, are reviewed below.

Voluntary ADR will be utilized in a case only with the consent of both parties; the choice to use or not to use ADR is without prejudice to either party. If ADR is utilized, either party may terminate the process at any time.

Confidential The ADR process will be conducted in a confidential manner, in accord with Section 584 of the Dispute Resolution Act of 1990. The Judge who serves as the neutral, will not disclose to anyone the contents of any of the parties' ADR communications.

Procedures A Judge in this Office will serve as a neutral. The ADR Judge will ordinarily begin by arranging a telephone conference with the parties to establish procedures. The specific role the ADR Judge will play will be determined after consultation with the parties. EPA's Office of Administrative Law Judges has access to videoconferencing equipment and, with the consent of the parties, where deemed appropriate, the Neutral may employ such equipment in the ADR process.

Authorization to Commit For the ADR process to be effective, the persons communicating with the neutral must either have authority to commit his or her side to a settlement, or have ready access to somebody with such authority.

Duration Unless terminated earlier by either party, the ADR process will continue for 60 days from the date of the case assignment to the ADR Judge; after that time, if no settlement has been reached, the case will be assigned to another Judge to commence the litigation process.

Follow Up At the termination of the ADR process, I will send the parties a questionnaire to elicit their views and experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.

Again, please inform me in writing or by phone (202-564-6255) by **February 6, 2004**, if you would like to use the ADR process that I have described. If you do not respond by the deadline, it will be assumed that you **do not** wish to participate in ADR and the case will be assigned immediately to a Judge for litigation. **No extension of the deadline for deciding whether you wish to participate in ADR at this point in the proceeding will be granted.** However, the ADR described above may be available later in the litigation process upon joint motion of all parties requesting it, granted at the sole discretion of the presiding litigation Judge.

The mailing address if sent by mail is U.S. Environmental Protection Agency, Office of Administrative Law Judges, Mail Code 1900L, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-2001. **Hand-delivered packages transported by Federal Express or another delivery service** which x-rays their packages as part of their routine security procedures, may be delivered directly to the Offices of the Administrative Law Judges at 1099 14th Street, N.W., Suite 350, Washington, DC 20005.

Very truly yours,



Susan L. Biro
Chief Administrative Law Judge

Rupert G. Thomas, Esquire
Kathy Robinson, Regional Hearing Clerk