

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of )  
 )  
DIATECT INTERNATIONAL CORP., ) DOCKET NO. FIFRA-08-2008-0029  
 )  
 )  
 )  
Respondent )

REPORT RECOMMENDING CONTINUATION  
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Order approved January 22, 2009 provides that this alternative dispute resolution (ADR) process terminates February 28, 2009. The recommendation of this Report is that the ADR process be continued for the final month, to March 28, 2009.

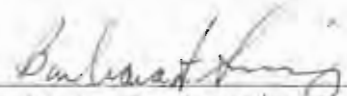
This continuation of the ADR process is recommended because the parties have reached a settlement in principle in this case. However, additional time is needed to execute a Consent Agreement and Final Order ("CAFO"). The parties' chances of achieving a settlement are sufficient to justify the requested continuation.

Accordingly, the undersigned will continue to work as a Neutral in this case and will file another report with the Chief Administrative Law Judge by March 28, 2009 unless otherwise directed by her. The parties are commended for their success in negotiating their agreement. The undersigned further expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process.



Approved: \_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: 3/4/09



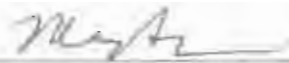
Barbara A. Gunning  
Administrative Law Judge  
Dated: March 4, 2009

A written status report is due no later than March 28, 2009 if the executed CAFO is not submitted.

**In the ADR Matter of *Diatect International Corp.*, Respondent.  
Docket No. FIFRA-08-2008-0029**

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Continuation of Alternative Dispute Resolution Process**, dated March 4, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Tina Artemis  
Regional Hearing Clerk  
U.S. EPA / Region VIII  
1595 Wynkoop Street  
Denver, CO 80202-1129

One Copy by Pouch Mail to:

Eduardo Quintana, Esq.  
Enforcement Attorney (8ENT-L.)  
U.S. EPA, Region VIII  
1595 Wynkoop Street  
Denver, CO 80202-1129

One Copy by Regular Mail to:

Randy B. Birch, Esq.  
Bostwick & Price, PC  
139 E. South Temple, Ste. 320  
Salt Lake City, UT 84111

**Dated: March 4, 2009  
Washington, D.C.**